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(Mr. Calonder, federal president, in the National
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Draft of a Constitution of the Universal League of Nations



With Explanatory Remarks

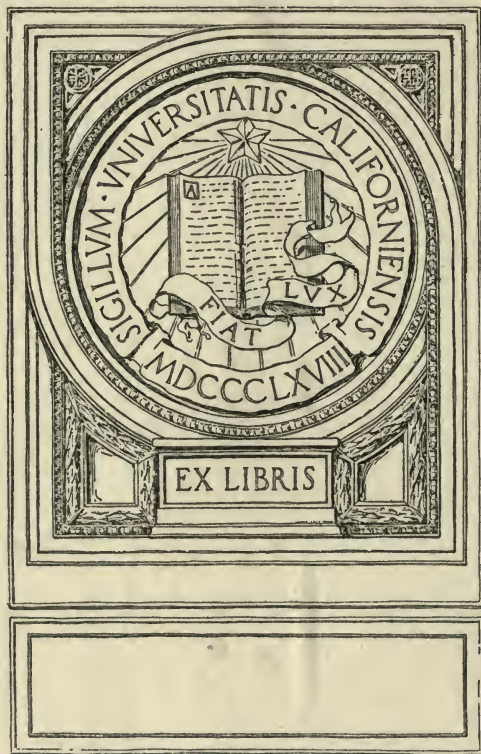


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PREFACE

The publication of the Draft in «La Voix de l'Humanité» (March 16, 1918) has brought in a number of letters : expressions of opinion, objections and doubts, but also numerous suggestions for its improvement and completion. These opinions have been thoroughly weighed at discussions in committee and finally in public meetings in Berne on 4th and 5th June, 1918, and the points of view thus brought to light have been collected in the following Explanatory Remarks which are now published together with a reprint of the draft. This new issue, it is hoped, will serve to stimulate to a still greater degree the public discussion of the best ways and means of realizing the league of nations, on which alone the attainment of permanent peace depends. Only by such methods of dispassionate, objective discussion will it be possible to build up the foundation of international justice. And only this strong pillar, well-planned and firmly built of expertly treated details, will be able to bear the bridge of understanding and reconciliation which shall stretch above all hatred and mistrust to re-unite the nations.

Draft of the Constitution of an Universal League of Nations

At its Berne meeting (June, 1918) the «Swiss Committee for the preparation of the league of nations» adopted the principles of the following Draft, and charged a Commission with studying and drafting the proposed alterations. The results are given in the Explanatory Remarks.

Introduction

Both belligerent parties in the present war have repeatedly declared that they do not aim at conquests; that they are striving towards the realisation of a peaceable «Society of Nations»; that they recognise every nation's right freely to dispose of themselves, and are prepared to respect the economical independence of all nations. The «Swiss Committee for the preparation of the Union of Nations» believed that both parties are in a position, and are honestly willing, to draw the conclusions to which these declarations lead; therefore it attributed the cause of the long continuation of the war solely to the impossibility of a direct and open expression of opinion among the warring nations, which was due to the mistrust existing on both sides. In order to overcome this difficulty the Committee published for the benefit of all countries this Draft of a Constitution of the World-Union of Nations, with the intention of showing that the practical realisation of the principles to which both sides have declared their agreement would render possible a lasting, secure and peaceful community of life among different nations.

All who are striving towards the attainment of these aims, and thereby towards a speedy definite termination of war, are invited to communicate their agreement with these aims, or any improvements they may have to propose. Those who are indifferent or adverse to a discussion of these practical and impartial proposals show, whatever they may say to the contrary, that they attach no importance to a league of nations and lasting peace.

Our Draft is the outcome of the following lines of thought.

1. The possibility of a community of life among the nations, reposing on equal rights and actual guarantees, and on the assurance of security and freedom for all, must be regarded as a basis for ultimate peace. It is a mistake to expect that a world peace leading to a union of nations could be obtained by any other means.

2. The belligerents must therefore give up all demands which could be satisfied only by the crushing of the opponent. They must not regard the outcome of the war as a «judgment in favour of right», but must follow the dictates of reason which would attach more importance to the obtaining of a lasting peace than to the satisfaction to be derived from military or material success.

3. The constituting of a really legalised and efficiently protected organisation of the community of nations, which should break the ban of militarism and imperialism, will by lawful and evolutionary development conduce to bring about the right of nations to self-determination and contribute to their democratisation. It will do this more rapidly and with greater security than all attempts at changing forcibly either frontiers or forms of government, which attempts tend to prolong sanguinary strife, insecurity and paralysis.

4. The organisation of the community of nations must at least comprise what is necessary for the security of a permanent and undisturbed foundation of such a community. It must not be hampered by anything which can be dispensed with; on the other hand, it must strive towards the introducing of a voluntary community of labour on the part of all nations in every field of human activity that makes for civilisation. The new order of things must guarantee the complete cultural and economical freedom of the individual states, and must therefore, with regard to questions of this kind, be restricted to tendering suggestions and promotion. It must, moreover, awaken and strengthen a new spirit and attitude, in lieu of the more intellectual and materialistic forms of activity characteristic of recent times — a spirit which before all shall further the cause of psychic moral values.

5. As between individual states, so in regard to nations which are not at the outset incorporated in the Universal Union of Nations, the abandonment of all attempts at conquest must be maintained. Therefore military force should be employed only when the existence of the Union is threatened from without or within.

Draft of the Constitution

Fundamental Articles

1. The aim of the Universal League of Nations is the permanent regulation of a community of life among the different nations, in order that their cultural and economic independence and their free development may be ensured; also their protection against any threats and intimidation.

(Note. The term «Universal League of Nations» is employed to designate an union of all the nations of the world, not a mere union of individuals or States: it is also in opposition to an European Union etc.)

2. The organisation and laws of the League must be so framed as to entice all nations of the world to become members of this union; yet the League should function, without taking into account the number of nations that have become attached to it, so soon and so long as its existence and activity appear to be assured.

3. The decision in regard to the eligibility of the various nations for incorporation in the League is vested in the World Council, which would have to consider the cultural, political and economical conditions of the nations involved. Nations with whom the right of vote was limited to about 10 % (? 20 %) of the total population, could be accepted only as «colonies».

Against the decision of the Council an appeal for reconsideration would be allowed. The grounds for such appeal would be determined by a special resolution on the part of the Council.

4. All nations which become incorporated in the League acknowledge thereby its organisation and constitution as contained in the Fundamental Articles of the League here set forth. The elimination or alteration of old regulations, or the creation of new, would be valid only on the unanimity of all members of the League,

(Note. The condition regarding the unanimity of votes as to resolutions about regulations seems to be necessary for the present, in order that all fears as to a possible attempt at coercion may be dispelled. When the present mistrust shall have disappeared, it will always be within the power of the Council to modify this condition in the event of such modification being necessary for the further development of the League.)

5. Resolutions which, although not adopted unanimously, yet have the support of the majority of the members of the Council, are to be regarded as «free regulations» of the League if, and so long as, they do not come into conflict with Fundamental principles. «Free regulations» are binding only on such members of the League whose national Parliaments have ratified them.

6. Every «free regulation» must be so framed as to offer the possibility and modalities of withdrawal from it on the part of any nation that has assented to it at any time.

7. In the formation of resolutions concerning such «free regulations» as are in force only representatives of those nations may take part who have adopted these regulations.

8. In the carrying out of «free regulations» organs and institutions of the League may be called into service, provided all the financial expenditure incurred by the treasury of the Union in connection therewith be refunded by the nations who have adopted the respective regulations.

9. In the event of a member State of the Union refusing, or not being in a position, to fulfil the obligations it has undertaken, the World Council is to adopt all possible measures calculated to bring such State to the fulfilment of its obligations. (E. g., confiscation of customs duties, or coercive administration.) The Council would determine the requisite course of procedure.

10. If single provinces should desire separation from the State they belong to, the Council is bound to carry such claim out in so far as it can be shown by a regular system of voting:

1. that more than 75 % of the inhabitants having the right of election to the Council are demanding separation and reconstitution; moreover that this majority is striving in the same direction towards separation and reconstitution;
2. that the satisfaction of such demands is necessary to remove hindrances to the cultural and economical development of the provinces in question;
3. that through such desired reconstitution no rights and claims of the Union shall be impaired;
4. that provinces desiring separation be willing, and in a position, to take upon themselves, in accordance with their means of taxation, their corresponding share of the financial obligations of the State from which they wish to separate.

The sanctioning of such demands for separation shall be withheld if the State affected can prove:

1. that the satisfaction of such demands would necessarily endanger the interests of its other provinces;
2. that it is in a position and prepared to grant to the aggrieved province the very privileges which that province by its action is trying to obtain.

The decision as to the demands of separation rests solely with the World Council.

Article 10 shall come into force in the tenth year of the League's existence.

(Note. By this means all unified nationalities shall have the possibility of a legalised separation from a State-control which does actually impede their development. Precautions shall guard against any abuse of this possibility of relief. Article 20 provides for this. The lapse of time will give all States an opportunity, the Council can it be adopted. If, therefore, not all of the Council delegates of the country in which disturbance has arisen are in agreement, intervention cannot follow.)

11. The Union guarantees for its members their frontiers, under reservation of the possibilities mentioned in article 10; further, their constitution, in so far as it does not conflict with the constitution of the Union; also their sovereignty in so far as this is not affected by the above-mentioned reservations.

12. The individual States are pledged, in the event of disagreement among themselves, not to have recourse to their own self-defence, but to submit to the Union authorities, in the last instance to the World Council.

13. If a member State is threatened by attack from a State not belonging to the League, the Council is to be immediately informed thereof, and its directions are to be carried out unhesitatingly.

14. If disturbances should arise within an individual member State the Council is bound, as a result of an appeal made to it in regular order, and in accordance with the conditions prescribed for the adoption of Fundamental Articles, to send troops to restore order. All costs and consequences resulting therefrom fall to the State that has demanded such intervention.

(Note. The motion for intervention can (see article 68) be made by any member of the Council and by the heads of departments, yet only by unanimity of the Council can it be adopted. If, therefore, not all of the Council delegates of the country in which disturbance has arisen are in agreement, intervention cannot follow.)

15. In the event of military action on the part of the League all individual States must carry out the demands and directions of the commanders appointed by the Council. If action on the part of the latter was necessary through no fault of theirs, they have the right to demand from the League compensation for any expenses and damage that may be incurred.

16. The individual States have the option of limiting or annulling the immigration, residence, or settlement, of foreigners. In no case, however, must subjects of one federal State be placed at greater disadvantage than those of any other federal State. In regard to

subjects of States which remain outside the League, such limitations require the consent of the World Council.

(Note. The possibility of making demands in connection with all that appertains to physical, spiritual and material welfare is extended in order to prevent undesirable immigration, without of necessity excluding any nation or race. In this way the protection of the rightful interests of all nations can well be combined with the maintenance of universal peace.)

17. The Council aims at introducing a universal language for all official intercourse. Such language, after the sanction of the Council has been obtained, is to become an object of compulsory instruction in all schools of the States belonging to the League. Two years after the introduction of the world-language, at the latest, every official of the League must possess a knowledge of the same. Likewise the use of the world-language for all meetings and for all information provided by the League and its organisations must be declared obligatory.

18. Entry into the League binds the federal States to guarantee to all their citizens lawful and complete freedom of language and religion in their private life. In administrative districts in which, according to the last census taken, more than 20 % of the settled population speak a language other than the language of the country, the use of the world-language is to be considered tantamount to the use of the official language in all official institutions, or those maintained out of the public funds (e. g., schools, courts of justice, official announcements etc.). Until the third year after the introduction of the universal language the pre-existing relations are to be maintained.

19. The Council is bound to take all suitable measures for keeping all subjects of the federal States instructed in the objects and achievements of the League; to inform them of, and give explanations as to, the transactions and resolutions of its authorities, and to ensure the mutual knowledge and understanding of its citizens.

20. The Council has the right to punish those who publicly, by word, writing, or sketch, insult or threaten the institutions and organisations of the League or the nations connected with it. More precise enactments in this matter the Council will have to frame.

(Note. In order to guard against any repression of healthy and profitable criticism — which repression might result from this method of protection against international hatred or animosity — it has been proposed to introduce professional «courts of honour» in all countries. These tribunals should pass judgment in all cases of breach of article 20. After their decision, according to the seriousness of the case, either on the appeal of the offended party, or officially through the World Council, the matter may go before the federal tribunal.)

21. The Council will encourage and promote among the federated nations the reinstitution or creation of «free regulations» concerning, among others, the following questions:

- a) Industrial hygiene;
- b) Labour, accident, and old-age insurance;
- c) Sick and unemployed relief insurance;
- d) Poor relief;
- e) The securing of a minimum income for all inhabitants of the Union;
- f) Eugenics;
- g) Prohibition of alcohol;
- h) Prohibition of Prostitution;
- i) Female and child factory labour;
- k) Promotion of federal matches of gymnastics and sports;
- l) Improvement of the protection of literary and artistic authors' rights.

22. The appropriation of public and State funds for enterprises undertaken for profit in places outside the home country is forbidden. Exceptions to this rule are valid only with the World Council's sanction.

23. Every federal State is pledged to forbid its members by law to sell abroad at cheaper prices than at home.

24. The League has the right to impose penalties on whomsoever in international commercial relations has been guilty of unfair competition.

25. Customs, commercial, and other economic treaties may be freely concluded by every nation, and are to be safe-guarded by the League. Yet such treaties must serve no political ends and in no way place one federal state at a disadvantage to another.

26. The League has the right, with the sanction of all its member States, to introduce agreements and arrangements in regard to means of communication for the whole region over which the League extends; further to take over the management of railway and sea connections, of automobile and aerial enterprises, etc.; but this would fall to a separate department of the administration.

27. All land and sea routes within the range of the Union, and between its individual States, must always stand open at all times to all the federal countries. Any stoppage of such routes could be adopted by the World Council only in the interests of the whole Union.

28. The «Colonial Office», commissioned for the purpose, will guard the interests of nations who shall be received into the Union as «colonials». The World Council, while acting as a guardian toward its ward, will leave such nations conscientious freedom in their right to self-determination. The Colonial Office will have to elaborate the regulations requisite for the execution of its economical, political, cultural, military, and financial objects, and will submit them to the World Council for sanction.

For the first 10 years after the Union's Constitution has come into force all institutions and officials of the «colonial» countries are to be kept as they were up till August 1st, 1914, in so far as the Union's activity is not disturbed thereby.

(Note. As «colonies» in the sense to be adopted by the Union's organisation only a small number of the lands described as «colonies» at the present day would come under consideration. (See article 3.) The attitude adopted towards the question of colonial possession must be regarded as a test of sincerity in the matter of abandoning all attempts at governing by force, and at world-domination, without which resignation no permanent peace is possible. The real economic needs of all nations will be better assured on such lines than by the application of force. All national sensitiveness must be removed in the imperative interests of humanity as a whole.)

29. All federated individual States have in all colonies fundamentally equal rights in commercial traffick and in settlement. The League will be justified in issuing orders relative to the systematic cultivation of the whole of its territory, and to the granting of equal access, for all its members, to the colonial products, so as to facilitate the securing of a minimum income for every necessitous citizen.

30. The receipts of the countries under the administration of the «Colonial Office» are to be employed only for their own use and for the needs of this Office, as well as for the improvement of those countries' relations with the federal States. The receipts must in no wise be appropriated for the general objects of the League.

31. The general expenses of the League shall be covered by contributions of the federal States in proportion to the number of their electors to the World Council. As to the creation and amount of a League Reserve Fund the Council shall decide.

32. The supplying of any goods required by the League authorities is, in the case of several equally favorable offers, to be distributed among the offering countries in proportion to the amount of their contributions to the League's general expenses.

33. So long as all the States of the world have not become mem-

bers of the League, the foreign affairs of the federal States are to be conducted for them by the «Foreign Office» of the League.

34. No single federal State shall be justified in concluding treaties of a political nature. All existing treaties of this description must either be dissolved by giving notice, or else must, within a term to be fixed by the World Council, be adapted to the legal requirements of the League, whereupon the Foreign Office shall take them over.

35. The federal States are free to maintain commercial representations in any country. Should the laws of the League be in any way infringed by any action of a commercial representative the political representation of the League in the country in question will be bound to intervene.

36. International conventions other than those made in published State treaties are void.

37. The League shall maintain a federal army and navy so long as there be any need for defensive precaution against non-federal States. Should this necessity cease, the «federal defence department» section of the Constitution must be abolished by means of measures to be taken by the World Council.

(Note. It is recognised on all sides that in that new and better world towards which we are striving there can be no room for militarism, and that its abolition is the inevitable preliminary to a lasting peace. But all proposals for gradual disarmament must fail on account of the general mistrust now prevailing among nations. So long, therefore, as all the nations have not entered the League, military power will be indispensable to guard the League against attacks from without, as well as — at least during a certain period of transition — to maintain internal order. However difficult it may seem to many lovers of peace to adopt this point of view, the creation of federal armed force will be unavoidable — an army and navy under the control of the World Council. Just as the life and property of single citizens are better protected by State laws than by self-defence, the rights and freedom of all nations will be better safeguarded by the organised institutions of the League than by the armed lawlessness of their present mutual relations.)

38. The training and administration of the League's armed forces will be the task of a Federal Defence Department, to be appointed by the World Council, and which will have to deal with the whole range of affairs at present conducted by the War Offices and Admiralties of the various countries. This Department must submit to the Council, for eventual sanction, any regulations connected with its work.

39. The Council nominates the military and naval commanders, as well as their proxies, all of whom are responsible to the Council for their measures, in accordance with the law relating to the responsibility of the federal authorities.

40. The League's armed forces are to be employed solely for defensive purposes. They must not leave federal territory or coast defences unless it can be proved that an attack is threatening.

41. Every member State is pledged to contribute contingents to the League's military and naval forces in proportion to the number of its electors to the World Council. As to number, length of service, and fitness of the contingents, the Federal Defence Department will issue regulations. The method of selecting men for the contingent is left to, and the amount of taxes to be paid for exemption from service on it is to be appropriated by, the single States.

42. All expenses for the up-keep of the federal defences are to be met by the federal treasury, more especially the costs arising in regard to maintenance, accommodation, clothing, equipment, arming, hygiene, pay, compensation (in cases of illness or invalidity contracted during service), transport, and communication with the home-country for all who been called up for training or service.

43. The official language of service in all units of mixed nationality shall be the world-language, at latest from the third year after the date of the introduction of that language.

44. The League has the right to take over, for the use of its Defence Department in the exercise of its functions, all necessary buildings and land against a reasonable compensation to the proprietors. It has moreover the right to erect for the same purpose buildings and works and to demand the necessary expropriations from the States concerned. Furthermore it is justified in forbidding, through the intervention of the State to which they belong, the erection of buildings and works, and to order the removal of such as exist, in case such action is shown to be necessary in the interests of federal defence. It is the World Council's business to issue the requisite regulations in this matter.

45. The individual States are to prohibit their subjects from possessing fire-arms of high calibre and explosives. Exceptions are to be made only with the express sanction of the Federal Defence Department.

46. The manufacturing, stocking and delivery of fire-arms of long range, and of explosives used for military purposes, is permitted to the League alone.

47. The individual States are not allowed to maintain military troops. The police organisations, military, and fire-brigade necessary for the maintenance of internal security and order, must remain

purely local organisations, and must not be provided with fire-arms of long range.

(Note. The strenght of the police troops permissible in each country can be so standardised that interference in the internal order of the various nations, except in unusually difficult cases, may be avoided by the Federal Defence Department. On the other hand, the relation of such strength to the federal defences must be so small that the very idea of resistance to the latter should be impossible.)

48. The World Council is bound to work out proposals for the introduction of compulsory civil service for both sexes, and to see that such proposals are accepted in all member States.

(Note. The introduction of auxiliary civil service, not being indispensable as a safeguard for the League, must be left to the individual States. In consideration of the great importance of such service, however, in the interests of the citizen's hygiene, and to compensate for the coming discontinuance of military training, the League ought to be justified in incorporating in its Constitution an obligation to propagate the introduction of that service — the more so, because its adoption would involve a considerable burden upon national economy, and therefore the countries that now stand in competition with one another would be more likely to adopt it simultaneously rather than one after the other.)

49. All individual member States are free to draw up their own treaties with other States as to settlement, judicial relations, poor-rights, extradition, and other legal matters. The League will afford protection to such treaties; but they will be valid only if no other of the federal states shall thereby be at a disadvantage. Similar treaties with non-federal countries require the sanction of the World Council to become valid.

50. All similar legal treaties already existing are to be made conformable to the federal regulations within a period to be fixed by the Council, and, where necessary, notice thereof is to be given.

51. Against the decision of the Federal Criminal Court, Divorce Court, and Court of Administration (see article 88), appeal in the last instance to the World Council is permissible.

(Note. This breach of the principle of the separation of powers appears to be permissible, because the Council is the only federal authority elected by the confidence of all the members of the League. It could also be proposed, as an alternative, to grant the Council, in its capacity as supreme judicial organ, merely the right to refer a decision back to some other branch of the federal courts.)

52. The Council shall endeavour to obtain, as speedily as possible, uniformity in regard to all legal matters in all branches, for the totality of member countries. However, no State can be constrained to revise its laws unless they stand in contradiction to the Fundamental Laws of the League.

53. As soon as subdivision appears to be necessary on account of growth, the League may be divided into appropriate sub-groups.

The division of the League should be carried out solely from a purely technical point of view and should affect neither the unity of the federal organisation, constitution, and regulations of the League, nor the equality of rights and duties of the individual States.

54. The World Council will form a temporary committee which shall aid in the restoration of the districts damaged or destroyed by the war. Sub-commissions of this committee will determine what sums are necessary, in all the lands affected, for the restoration of an economic existence to those citizens who can be proved to be incapable of such restoration by their own un-aided efforts. The necessary sums will be assessed among the individual States in proportion to the amounts of war-profits taxes raised by them. The restoration committee will, further, exercise control over the application of the funds brought forward, and will publish an annual public account of the same.

Federal authorities

55. In all matters connected with the carrying out of the aims described in Article 1 of this Constitution, which will be accepted, now or later, by the nations who have joined the League, the exclusive right of legislation and administration as also of supreme legal judgment and execution belongs to the World Council.

(Note. In accordance with article 51, for all resolutions in regard to Fundamental Laws unanimity is indispensable, whereas for «free regulations», on the other hand, the assent of the home parliament must be obtained, so that a satisfactory corrective may be thereby provided. Hence a superior council to keep watch over the doings of the World Council would be superfluous. In no case must the governments of the single States be considered as constituting such a council, since they function solely as the representatives of their own peoples and might disturb the League's activity in the equal interests of all members. The governments will have a sufficiently large and grateful sphere of activity in providing for the administration of their own countries.)

56. The World Council will be composed of delegates from among all the nations incorporated within the League. For every 500,000 citizens having the right of electing delegates, there shall be one member elected to the Council. Any number above 250,000 shall be regarded as equivalent, in the matter of voting, to 500,000.

(Note. Assuming that the total population of the world amounts to about 1700 millions, and deducting the colonials and all minors, as well as those who, in accordance with article 59, have no right of vote, we have a number of voters extending to about 350 millions. Thus the Council would consist of about 700.)

57. The voting for the Council must be equal, free, and direct, for all who have the right to vote. It must proceed on the proportional system by means of lists.

The framing of regulations for the taking of votes must be left to the separate States. The laws promulgated for this purpose by each country require the assent of the Council.

58. Demands for the recounting of the votes for the Council should be laid, in the first instance, before the scrutiny authorities of the country where the voting took place. If such demands remain unanswered longer than 4 weeks, or if those making the demands are not satisfied with the decision of the authorities, an appeal may be lodged before the federal scrutiny office, provided such appeal be accompanied by a signed request from at least 30,000 of the voters of the country in question.

59. All inhabitants of both sexes in a country that has been incorporated within the League are entitled to vote for the Council, provided they can show that they are citizens of one of the federal states, that they have attained their majority, and possess the rights of citizenship according to the laws of the country in which they are domiciled, and that they satisfy the requirement stated in Article 60.

60. Proof of a certain minimum of education will be required for the right of voting for the Council. The Council will issue details concerning the requirement.

(Note. Only a representative body elected as the result of equal and direct voting can secure to the masses permanent participation in the League. Such representation alone, thanks to the co-operation of people of all classes in all countries, who share the same ideas, will be able slowly but surely to remove the danger which, arising from national differences, threatens the peace of the world. The fostering of the national spirit will follow as the result of popular representation within the individual states; it will then come to fuller consciousness, and will be kept within healthy limits. The demand for an education census appears to be justified, since only in this way can the ignorance of the masses be prevented from arresting the development of the League. Herein, too, lies no special hardship for the individual states concerned, since it rests with them, by their own efforts and within a reasonable time, to come up equal to other nations now in advance of them.)

61. Eligible as members of the World Council are all who have the right of vote for the Council, provided they have attained the age of 30.

62. The Council will be re-elected every five years.

63. The Council will elect a president and vice-president every year. (Re-election for the third time at most will be allowed.)

64. The Council's meetings will be public.

65. The presence of the absolute majority of all the members of the Council is indispensable to make the deliberations valid.

66. The seats of the federal authorities will be decided by the Council.

(Note. We propose a temporary decentralisation of the federal offices in certain neutral towns suitable for the purpose. For instance, the Council together with the Federal Defence Department (i. e. Land-defence) in Berne; Commercial Department, Zürich, Basle or Amsterdam; Home-Department, Stockholm; Colonial Department, Copenhagen; Foreign Department, Hague; Naval Defence Department, Christiania; Department of Justice, Hague. The technical difficulties connected with such separation should be smoothed over by a willingness to recognise the advantage of active labour in common. In any case the uniting of all the federal departments in one particular city would raise difficulties equally great.

67. Until the carrying out of article 17 of this Constitution (i. e. the introduction of the universal language) the English, French, and German languages shall be employed for transactions. All motions, propositions and resolutions are to be drafted, read, and published in these three languages.

68. Motions or proposals for alteration, elimination, or creation of statutes can be considered only if $\frac{1}{4}$ at least of the Council members support such appeals. In regard to all other matters, motions and questions may be lodged by any member of the Council. Also the heads of federal departments are empowered to make proposals in all matters.

(Note. The question as to whether popular stimulation, initiative, and the referendum are expedient is to be considered. We regard them as dispensable.)

69. Votes on matters requiring complete unanimity can also be made by means of written, officially verified declarations. In other cases this may also be done, as an exception, provided no councillor raises objection.

70. The Council passes resolutions with the complete unanimity of the members present, except in cases mentioned in article 4.

71. The President, or Vice-president, have the same right of vote as the other councillors. In equal voting the President or Vice-president has the casting vote.

72. As to convocation, duration and schedule of meetings of the Council, a committee of elders («Seniorenkonvent») will decide. This committee will be constituted of those delegates of all nations who, at the time, have served longest on the Council. The Council must be convoked whenever a written motion, with reasons for convocation, is sent in by at least one-fourth of the members.

73. Councillors shall receive a stipend for their presence at the

meetings, as well as return travelling expenses. All such monies and expenses shall be provided by the federal Treasury.

74. The Council chooses and pays the secretaries who are responsible for the drafting, translating and publishing of its deliberations, and for the necessary correspondence.

75. A business-committee will see to the execution of a business order for the deliberations of the Council.

76. From among the Councillors best fitted for this purpose, committees for the superintending of the work of the federal Departments will be formed. They will also report on the work accomplished, and the Council shall decide as to their order of business.

77. For the preparation and carrying out of the Council's resolutions, as well as for the control of its executive work, the Council will form six departments, the heads of which, as well as the managers of sub-sections, must be trusted experts chosen by the Council. The engaging of other necessary officials for the various federal offices rests with the said heads and managers.

78. The payment, terms of engagement, insurance, and pensioning, of the federal officials is a matter for the Council and will be settled by means of special regulations.

79. The directors and officials of the federal Departments cannot belong to the Council at the same time, nor can they engage in any other work, or occupy another position.

80. The heads of departments are responsible to the Council for the business of their departments, and for their subordinates. Any infringement on their part of the federal laws, or of the engagement contracts, will be laid before the Administrative Court. The Council will draw up special regulations in regard to the accountability of the officials.

81. All orders and enactments issued by the head and the sub-section managers of a department require the sanction of the Council to make them valid. In specially important cases such sanction may be obtained after the issue of orders.

82. In the first 20 (10) years after the Constitution of the League has come into force, only subjects of countries which have not engaged in the world-war shall be called to the office of directors and managers of the various federal departments. Exceptions will be allowed on the unanimous voting of the Council.

83. The departments are the following:

1. Home Office, with sections for
 - a) Education;
 - b) Press;
 - c) Art and Literature;
 - d) Social politics and reform;
 - e) Hygiene;
 - f) Corporal Development.
2. Production and Trade, with sections for

- a) Agriculture;
- b) Industry and Manufactures;
- c) Trade;
- d) Consumer's interests.

Means of Communication:

- a) Railway World Bureau;
- b) Postal, Telegraph, and Telephone Service;
- c) Shipping Office;
- d) Automobile traffic bureau;
- e) Aviation bureau.

Finance Office, consisting of

- a) Federal Finance Administration;
- b) Federal Book-keeping;
- c) Federal Money Administration;
3. Colonies, with sections for
 - a) Education and instruction;
 - b) Production, Trade and Commerce;
 - c) Colonial defence.
4. Foreign Department, with sections for
 - a) Public law;
 - b) Intelligence service.
5. Federal Defence, with sections for
 - a) Land defence;
 - b) Naval defence

(with sub-sections for all branches of military direction, training, and administration);

- c) Federal monopoly administration for arms and explosives.
6. Justice:
 - a) Judicial council for the other five departments;
 - b) Federal Tribunal for offences against federal laws. (See article 51.)

- c) Private appeals against decisions of the various departments;
- d) Court of Arbitration in lawsuits between federal States, and in actions by such States against decisions of departments. (See article 51.)
- e) Court of Administration for cases of concurrence of jurisdiction in the departments, and to judge cases of misdemeanour on the part of federal officials. (See article 51.)
- f) Federal Advocacy for the prosecution of offences against laws, and the execution of the sentences delivered by the federal criminal court;
- g) Election scrutiny board, to examine the ballot *ex officio* or on appeal. (Will be called up whenever necessary.)

To introduce the League, in the first instance an inter-parliamentary conference should be called in a central place in a neutral country. To this conference those members of the representative bodies of all nations should be invited who on principle are ready to help constitute the League.

The task of the members of this conference shall be to arrive at a provisional understanding as to the Constitution and Statutes of the League, if for such understanding there is a probability of obtaining a favorable majority in the home parliaments.

As soon as these parliamentary majorities shall have obtained from their States agreement as to the Constitution and Statutes of the League, all hostilities towards other nations who have entered the Union must cease. Direct negotiations with former enemies will be legitimate in so far as the federal statutes shall not be adversely affected thereby.

The interparliamentary Conference will be constituted as a «Provisional World Council» as soon as it is of the opinion that the number of nations ready to enter the Union is sufficient to guarantee a successful working and the durability of the same. The task of the «Provisional World Council» will be to proceed with elections in accordance with the federal constitution, in all countries that are prepared for the Union. Furthermore, the seat of the World Council, and all necessary arrangements for its meeting, must be decided upon by the Provisional Council.

After the elections to the World Council have been carried out, this body must immediately meet and the Provisional Council will then be dissolved.

It is permissible that any State declare its adherence to the League to be conditional, i. e. that it will make it dependent upon the entry into the Union of some other State. This declaration however, must be subject to a time-limit which must elapse before the meeting of the definitively elected World Council.

Explanatory Remarks

The idea dividing the constitution into two parts, «A. Fundamental Articles» and «B. Federal Authorities», the former containing general principles, the latter consisting of technical provisions for the realization of same, has been borrowed from the constitution of the Swiss Confederacy. The order in which the subject-matter was arranged in these two parts has been observed in the following remarks for the sake of clearness of survey, it having been deemed unnecessary to enter into certain details in the constitution itself.

Universal League of Nations and Individual States.

§ 1. **Object of the U. L. N.** In spite of the motivation given in the note appended thereto, the appellation has not passed without objection. Some insist that «universal» applies to the entire cosmos, and the name is therefore too presumptuous. Further the league might be supposed to unite the so-called «World-nations». Some suggest «General League of Nations» or, quite simply, «League of Nations». As against this it may be urged that it is permissible to use the word «universal» as applying to the entire Earth with all her inhabitants. Special emphasis, it seems, must be laid on the character and tendency of the league to embrace all the peoples of the Earth, in order to avoid from the very beginning any intention to divide humanity into several leagues of nations. Otherwise we should have to fear an enormous increase of the danger of war instead of its elimination. *As soon as the U. L. N. has taken root and all danger of disunion has vanished the term «universal» may be dropped. As soon as there is general and clear understanding of the aims and nature of the L. N., the special emphasis of this universal character of the league will have become superfluous. But at the beginning, and especially during the period of preparation, this addition may obviate misunderstanding and traducement.

§ 2. **Membership.** The statement that all peoples should be induced to enter the league has been considered by some self-evident and therefore superfluous. This objection may be met by the counter-arguments given above. Then the demand was raised that a regulation be adopted by which the membership of a state should become invalid as soon as it loses its independence — by coalition with others, etc. It was also suggested that the possibility of excluding a member under certain circumstances must be provided for. Another suggestion was that the constitution should be terminable in such a manner that the agreement should be entered upon for 100 years only, after which it is to be renewed. On the other hand no one has demanded the right of giving notice, of quitting the league voluntarily. In answer to these suggestions emphasis was laid on the fact that secession or expulsion or terminability of membership would be injurious to the consolidation and undisturbed development of the league. Attention was further drawn to the fact that the members of the World Council, the directing body of the U. L. N., are not representatives of states, (§ 56) they are not appointed or confirmed by their respective governments, but fulfil their office as ambassadors of their electors so that their activity is not to be influenced by any internal political changes in their mother-countries. If an individual state should neglect its duties towards the league, the latter possesses sufficient powers, even without the right of exclusion, to assert its authority. It is true that «eternal» leagues have often proved only too temporal; no sort of formula but only inner strength and external advantage can render a union permanent. However, the duty of self-preservation demands all possible protection against the danger of enfeeblement and therefore any endeavours in the direction of secession are to be parried. To the question as to whether special formalities are to be prescribed for the declaration of adhesion to the league, the answer has been given that it will suffice if the declaration of adhesion to, and recognition of, the principles of the league has been adopted by decision of the parliaments and governments and incorporated in the constitutions of the individual states. Oaths of allegiance and so forth have been considered unnecessary.

§ 3. **Eligibility.** The requirement of a fixed percentage of the electors of a nation as a condition of eligibility (v. §§ 3, 59 and 60) has been considered by some to be going too far. It has been sug-

gested that a great nation might have less than the required percentage of voters and yet include a greater number of inestimable minds than a smaller nation that is just able to attain eligibility. In reply it has been pointed out that for this very reason it has been explicitly made the duty of the World Council to judge the entire circumstances of the nation desiring admission. The proof of the required percentage of electors does not constitute in itself a claim to admission. There must, however, be some fixed standard, some minimum condition, so as to be able to grant special treatment from the very outset to nations the great majority of whose populations are obviously not entitled to collaborate in the L. N. with the same rights and duties as highly cultured peoples. Through the right of appeal on decisions of the World Council, as provided by statute, guarantee is given that adequate justice will be done to the interests of every nation. (Cf. remark on Colonial matters, page 43 ff.)

§ 4. **Fundamental Articles.** The constitution of the U. L. N. defines all the rights and duties of the members of the league, as well as the technical form of the organization of the whole. All these regulations are to be agreed upon before the creation of the league, thus they lie at the very foundation of the fabric, they are to be drawn up with the complete unanimity of all participants and admission to the league pre-supposes that they are adhered to. These agreements are therefore termed «Fundamental Articles of the L. N». As no nation would have any confidence in a confederation which laid obligations upon it and gave no security that, without or against its will, the terms agreed on might not be modified or cancelled by the confederates at their good pleasure, it is indispensable to declare that the modification, creation or cancelling of fundamental articles should be valid only when agreed to by all members of the L. N. This point must be strictly adhered to; otherwise the smaller nations in particular might find themselves out-voted and forced to introduce laws not desired by them. In order to mitigate the difficulties which this restriction would inevitably place in the way of the activities of the league, in many of the clauses only those obligations have been laid down by the fundamental articles which affect deep and guiding principles. The decision as to the carrying out of their details has, however, been entrusted to the World Council which can thus decide on them by an absolute majority (Cf. § 70). It must therefore be

carefully observed that, in cases in which the constitution expressly imparts to the World Council the competence to settle the administration of fundamental articles, the decisions of its majority are binding on all members, seeing that in accepting the fundamental articles they have already given their consent to this authorisation. The case is different, however, in regard to decisions on affairs for the settlement of which the World Council is not authorised by the constitution, or when, as in § 21 the method of «free regulations» is expressly indicated.

§§ 5—8. **Free regulations** arise by decisions of the majority of the World Council on matters for the regulation of which the constitution does not expressly authorize the council. Thus they are only binding on those states the home-parliament of which declares its agreement thereto. For the administration of free regulations no burdens shall be laid on the means possessed by the league in its entirety, but, on the other hand, the functionaries of the L. N. and the institutions created by it may be employed for this purpose. Another contrast to the free regulations is offered by treaties and agreements which have not won for themselves any majority in the World Council and are therefore to be looked upon as private arrangements of individual states. In such cases the aid of the league is restricted to the granting of legal protection, on condition that no unconstitutional provisions are contained therein. (§§ 49 and 50.)

§ 9. **Safeguarding of the Constitution.** On the question as to whether measures of political economy or traffick policy would be sufficient to safeguard the constitution, or whether a military executive must be provided, the great majority were of the opinion that the greater the superiority of the league to all and any resistance the less often would the necessity of intervention arise, and that therefore—without excluding the possibility of other measures—the ability to undertake a military action for securing peace and order would be indispensable. The opinion was repeatedly expressed that the effect of international movements on the national consciousness, such as may be expected to result from the carrying out of § 56, would make it appear almost impossible for a nation as a whole to oppose itself to the execution of a fundamental article. But, if the opposition to the L. N. meets with a contrary movement in its own land, there is all the less need to consider the attempt of a struggle against the authority of the league.

§ 10. **Nationalities.** The solution of the problem of nationalities is only possible on the foundation of the right of self-government for all peoples. The suggestions contained in § 10 must be considered in connection with a series of other paragraphs the execution of which is calculated to facilitate the attainment of the suggested solution; thus above all §§ 17, 18 and 43 which aim at removing the difficulties of language, and § 20 which is intended to suppress inciting and libellous publications directed against existing states, not merely within their own boundaries (this being their own affair) but throughout all the territory of the league. Further § 11 which, within the limits imposed by § 10, guarantees to the individual states their territorial frontiers and their sovereignty, and secures for them the support of the power of the league against every unconstitutional endeavour towards separation. Finally it must be taken into consideration that the election of members of the World Council (§ 56) founded on primary elections participated in by the entire population of all individual states makes it possible for nationalities divided up by the frontiers of various states, to form common groups in the World Council and thus to obtain a unified representation of their national interests. And this without requiring a splitting up of the unions of states harbouring the said nationalities. Paragraph 10 endeavours to realize the view that the peoples' right of self-determination must be limited to the fulfilling of actual and important cultural or economic needs of nationalities, the satisfaction of which appears impossible or at best unbearably inadequate within the state or states enclosing them. The existing order of things shall be protected when the conditions are otherwise—even under the operation of the provisions for support quoted above—or when there is sufficient security that they will be removed by the state itself within a reasonable time, it thus being a question of sentimental and temporary motives and not of serious grievances arising from facts. This restriction will be needful more especially in cases when the fulfilment of the desire for separation would inevitably damage important interests of other parts of the same state. On the other hand the desire for separation is generally to be granted when it has been proved by uninfluenced voting (protected by § 20) that more than $\frac{3}{4}$ of those possessing the franchise in one part of the country demand a change of their official nationality in the same sense; that is to say, not when the petitioners disagree amongst themselves as to the future shaping of their land, when the

granting of their demand would therefore produce new difficulties. Consistency with the views here laid down evidently requires that the separation of one part of a country must not be employed for the purpose of shaking off a reasonable share of the financial burden of the entirety of an existing economic State. And further that the secessionists are to remain within the U. L. N. in any case. Their union with a state outside the U. L. N. is thus out of the question. It appears necessary for the Constitution to prescribe that all cases of petitions for separation should be referred to the World Council and not to the federal Court of Arbitration in order that decisions affecting the most vital interests of important constituents of the league should be settled by the highest court. Especially in instances in which the sensitiveness of patriotism (a most praiseworthy sentiment in itself) might, when overwrought, prove a peril to the peace and order of the entire U. L. N., the World Council, in consequence of its furtherance of all international relationships, would be more likely to exert a tranquillizing and conciliatory influence than a juridical body working on purely business lines. This of course does not mean that the actual data of the petition should not be tested by the experts of the federal Arbitration Court and laid before the World Council by the competent committee of superintendence (§ 76). Finally the introduction of a period of a b e y a n c e is intended to remove the last trace of harshness from the suggested regulation. The possibility of a legal fulfilment of their just claims will reassure the nationalities, even if the settlement can only be attained after a lapse of 10 years.

§ 11. Guarantees of the Union. The reproach which has been brought against the Draft that it restricts the sovereignty of the individual states will have to be brought against any other suggestion for a league of nations. It lies in the nature of every union that all who participate in it must bring their own will into harmony with the claims of the whole. It is merely a question of ascertaining whether the advantages offered by the L. N. are more valuable than what must be given up to win them. When statesmen are convinced that their task of securing stability and a peaceful, prosperous future for their peoples cannot be so reliably and completely accomplished by any method other than that of a world's league, then they will certainly not desire to oppose its realization in order to maintain intact a sovereignty which, as the world-war has proved, is a very questionable and debatable affair. To-day more than at any

previous period the peoples are fully persuaded that the state can never be an end in itself, and in future they will only be anxious to maintain and care for it to the extent in which it proves itself the best possible instrument for the fostering of the interests of its citizens. Governments and peoples alike must share the view that only the voluntary adaptation to regulated order in the symbiosis of the nations can render the activity of the state fruitful and successful. Everywhere it will be recognized, that, as in the case of the union of individuals to form an organized tribe or state, the introduction of common laws and courts with effective executive powers signifies in the life of the nations as well, merely a restriction of arbitrary might, of the striving for domination and power, but on the other hand brings about an advance towards higher culture, a strengthening and buttressing of all true freedom which is founded on justice and love of peace. When monarchs and presidents, conscious of their duties and their responsibilities, opposed to every abuse of their power and the confidence placed in them, have gained the conviction that the U. L. N. is capable of securing for their peoples honour and freedom, peace and progress, then they will not hesitate to advocate the league, glad of the opportunity of rendering their own nation, and the whole of humanity as well, this supreme service towards the attainment of a happy and satisfactory future.

The guarantee of territorial frontiers means that changes in the status quo ante, unless settled by friendly agreement, will only be possible on the conditions laid down in § 10. This does not by any means signify that the frontiers existing on 31st July, 1914, are recognized as founded on «right». There can, however, be hardly any doubt that it would be a labour of the Danaides to try to reduce all frontiers to a «justified» basis. Thus this regulation is merely a technical resource in order to have a foundation on which, thanks to the provisions of § 10, a correction of frontiers may gradually be undertaken, legally ordered in its development as soon as actual and urgent need should arise.

In this whole connection it must however be borne in mind that, under the new order of things, seeing that no might will be able to influence the course of justice in its own interests, the extent of a country will not be taken into account in estimating its value in the world any more than the chest measurements of a human being are decisive for the degree of his social reputation. As in this latter

case it is not the outward appearance that decides the significance and influence of the individual, but — amongst serious people at any rate—his mental and moral character, so too with nations respect and esteem will not be measured out according to area in square miles or the millions of inhabitants, but by the development of culture and the purity of public life. With the realization of this «World-mentality» all territorial frontiers will decline in importance and the maintenance of their integrity will cease to be a danger to the world's peace, the more so since the activities of the U. L. N. will tend towards producing a cosmopolite consciousness that will be able to keep all national consciousness within the bounds of what is natural, healthy, and useful to the common stock of culture.

§ 12. **Prohibition of Self-defence.** This most important proviso for the security of the supremacy of law in the league, and thus for the very existence of the L. N., is here laid down with special clearness and emphasis. It has been suggested to establish a «Right of Entry» as there would otherwise be no possibility of forcing a refractory confederate to appear before the federal Court; further that it must be explicitly stated that the governments of the individual states are to be admitted to the federal court to vent their grievances, as in the whole Draft mention of governments was carefully avoided, and misunderstanding on this point might easily arise. In reply attention has been drawn to the fact that in § 83, where the sections of the department of justice are enumerated, the individual states are expressly referred to the «Court of Arbitration» for the settlement of their grievances (§ 83, 6 d). It is left to these states to decide whom they are to entrust with their representation there. In accepting the constitution which makes this provision for the settlement of their differences, every state has already pledged itself to appear before the Court of Arbitration without any special admission of this obligation; moreover § 12, which ordains that «the individual states are pledged to submit to the union authorities», should leave no possible room for doubt on the subject. Further detailed regulations are to be drawn up by the head of the department of justice as he may deem necessary (§§ 77, 80 and 81).

§ 13. **Foreign menace.** The fear has been expressed that the competence thus given to the world council—a very great assembly—might lead to a fatal delaying of the actions needful for defence. For this reason a «Federal Government» has been suggested, capable of arriving at decisions rapidly. This means, however, that

the objectors have overlooked § 39 which provides that the World Council shall appoint the leaders of the army etc. (already in time of peace), and these would have the supreme command of the military forces of the union when implicated in war. In the case indicated in § 13 there would thus be no need whatever for a decision of the World Council, for, when menaced by an impending attack, the union is unquestionably «implicated in war». As may be seen from § 39, military commanders are subject to the law relating to the responsibility of the federal authorities.

§ 14. Disturbances of Order within the League. The decision to intervene with the military forces of the league for the purpose of maintaining order within the territory of a member of the L. N. requires unanimity of the World Council, as is also the case with the acceptance of fundamental articles (cf. § 4). In the case of a civil war, that is to say when the country and consequently its delegates in the World Council, are divided into two camps, a federal intervention will accordingly be possible only when the delegates of both parties agree thereto. When, on the other hand, a group revolts against the majority, so small as not to have its own representative in the World Council, yet strong enough to maintain itself against the police troops provided for the individual states by § 47, then indeed it might happen that federal forces would be compelled to march against citizens of the league. This however must be taken into the bargain as an inevitable consequence of § 47 which prevents individual states from maintaining their own military forces. The interests of the entire union must unquestionably be reckoned higher than those of a minority in a single state. This explanation may serve to allay all fears that § 14 might force the federal forces to assist in revolutions, violent changes of government and the like. When the overwhelming majority of a nation desires such a change a small minority, without long-range fire-arms, will be unable to oppose it. Thus the federal forces will not be called into play. But if two great parties are struggling against one another, the league will be unable to intervene, as has been shown above, against the will of even one of the delegates of these parties in the World Council. If, however, all the delegates of a country are in favour of intervention it is evident that the action of the league cannot be turned against one party but must be limited to restoring order, for which both parties will be thankful, seeing that, in all probability, neither

party would have entrusted the other with the settlement of such a task and both would have suffered from a continuance of the disturbance.

§ 15. The League's Duty of Compensation. In judging the conditions that might arise as a result of this regulation, it is necessary to remember that in cases of grievances against the acts of departments (§ 83, 6 d, and § 51) appeal may be made to the World Council. The regulation to be drawn up by the World Council regarding the accountability of the officials (§ 80), which, in accordance with § 39, is also to define the competence of military commanders, will have to provide means for the rapid settlement of grievances and for adequate satisfaction in case of infringement.

§ 16. Freedom of Migration. The league must refrain from all interference in the internal affairs of the states composing it, as long as essential interests of the entirety of the members of the league are not endangered. No such common interest is affected by leaving the policy of population to the individual states, unless the principle that all members of the L. N. must be placed on the same footing is violated. Thus every state may take what steps it chooses to keep foreigners at a distance, to favour their own population or to prohibit foreigners' establishing businesses, investing capital or acquiring land, but always on condition that this prohibition applies equally to all who are not subjects of the land in question. Such restrictions will give rise to reprisals and cause a spirit which is to be regretted from the point of view of the U. L. N., against which however only moral influence can be brought to bear, if the principle of the right of self-government is to remain inviolate. On the other hand the U. L. N. can never tolerate any circumvention of the distinct provisions of § 16, and in case of need must proceed with all the severity with which § 9 empowers it, against any attempts in this direction.

Intellectual and Cultural Matters.

Although in this sphere more than another the World Council must conscientiously avoid all attempts to exert any compulsion that cannot be justified on urgent grounds of the security and self-preservation of the U.L.N., the «Home Office» has been placed before all others with the object of emphasizing the fact that the matters treated by it will form the chief interest and the most important field of

activity of the U.L.N., if not at once, at least very soon and then for all time. While economic relationships, commercial and colonial affairs—without underestimating their importance for the well-being of the nations—may well constitute the foundation of the U. L. N., but can never be any more than the foundation; while the settlement of all juridical questions, however necessary for the order and security of the league, can never be more than its skeleton; while military regulations and foreign treaties of all kinds are to be regarded as temporary measures to be dispensed with entirely as soon as possible, the agreements and institutions that draw the peoples together for the common fostering and furtherance of all civilization must be considered as the *r e a l c o n t e n t s*, the muscles and nerves, heart and brain, form and face, of the league of nations. Although the constitution is limited to four paragraphs on this point, and even in these entrusts the details to the World Council or contents itself with suggesting «free regulations», for this very reason special attention and care must be devoted to this department.

§ 17. **The World-Language.** The full significance of an auxiliary language for the U. L. N. has not yet been appreciated everywhere. It is considered desirable but not by any means an imperative necessity. This view is an under-estimate of the degree to which the existence of a standard world-language would facilitate the *i n t r o d u c t i o n* of all the reforms of the U.L.N., and of its importance for promoting the active international exchange of ideas so necessary for the dissemination of its works and suggestions, for congresses of experts so urgently needed for the rapid and popular development of its institutions, for the effectiveness of its legislation and the spreading of knowledge and understanding in regard to all enactments of its administration and decisions of its courts. Has it not been asserted that there would have been no world-war if the heads of states had been in a position to understand the views of other nations at first hand, for which the first requisite naturally is to have a fluent command of their tongue? And how much more necessary will the facilities of understanding become when the masses of all peoples, hitherto strangers to one another, are to be educated for *u n i t e d a c t i o n*. And how much easier it will be to remove wrong impressions, prejudices, misunderstandings, to checkmate attempts at war agitation, to get rid of calumny, all of which may lead to conflicts and catastrophes, when explanations can be made accessible to all citizens of

the league in one and the same language instead of being translated into twenty, forty, sixty tongues, and, when all is done, the echo will have to be translated back again as many times! How can anyone fail to comprehend that this is a question of the most vital interests of the U. L. N., a question of immense advantages or losses to every one of its citizens! There are but very few people whose leisure permits them to acquire such a command of several languages that they succeed not merely in understanding them, but in expressing themselves with absolute certainty. For the masses at any rate this may be set down as a complete impossibility. But everyone can acquire an artificial language in a few weeks, and will be glad to take this slight trouble as soon as a standard system has been made obligatory by federal law, so that one might be sure of making oneself understood in any part of the entire earth. And especially when there will no longer be any need to fear that one day a new system must be learnt from the very beginning. The demand that every citizen of the world should learn the world language is surely a trifle compared with the immense gains that would be obtained for everyone, consequently for the entire league, and, indirectly from its flourishing, all citizens of the league again. And when one has won through to the conviction that the U. L. N. is the only means of saving humanity and civilisation, then one should have the courage to be consistent and procure for this U. L. N. every conceivable assistance so that it may develop in all directions as rapidly and as perfectly as possible. And therefore a most energetic stand must be made for the obligatory introduction of an official world language for all manner of intercourse, which is unquestionably one of the most important aids for the U. L. N.

It has been suggested to restrict the constitution to an obligation for the adoption of a world language and, without any further regulations, to leave all details to the World Council. In consideration of the exceptional importance of the settlement of this matter, more especially for the first period of the league's activities, no delay should be brooked in dealing with this claim. Otherwise the only thing to be expected would be endless postponement of this task, and the lack of this facility would raise great obstacles just in the most difficult period of initiation. It would be much more advisable to decide that a term should be fixed, not for the adoption of the language, but for its discussion and acceptance by the World Council, reckoning from the date when the Constitution

of the U. L. N. is signed. Even to-day there is nothing to prevent experts of all countries coming to an understanding as to a system that would satisfy all requirements, which might then be accepted by the states entering the league at the same time as the Constitution, so that the U. L. N. could have a world-language at its disposal from the very beginning of its existence; for a certain period of transition the three chief languages (English, French and German) would be used side by side with the world-language. If to-day, when all humanity is longing for the end of the war, it could be made clear to the peoples that the adoption of a universal language is one of the conditions on the fulfilment of which a permanent peace depends, then it would be much easier to carry through this reform in the interest of the entire human race, whereas later on, after all the turmoil and hardships of the war, the world will desire rest above all things and will therefore parry more anxiously than ever anything that demands a certain amount of labour. As to a fear that has been expressed as to whether the league will be able to find sufficient functionaries on account of the qualification stated in § 17, surely nothing further will be needed than to give the officials good salaries, and they will then be only too glad to make the effort needed for the acquisition of the world-language.

The self-evident fact that the world-language can never have the object of supplanting a language now in use, or arrogate to itself the position of sole «world-language», is only mentioned here because errors are still current on the subject. Its adoption would have no deterrent effect at all on the fostering and protection of national languages, the world-language being simply intended as an auxiliary instrument, a technical means of facilitating and extending the world's intercourse and understanding.

§ 18. Freedom of Language and Culture. Besides these functions of the world language which are of general importance to the U. L. N., it offers a special facility for arriving at a mutual understanding by contributing no insignificant share to the solution of the problem of nationalities. How well we know that the question of languages is a source of fatal difficulties in lands of mixed nationalities. Now the settlement of the nationality problem as recommended in § 10 can only be utilized when compact masses of the same nationality are enclosed within a foreign state. No special public attention can be claimed for small, widely-separated groups without risking disintegration of the fabric

of very many states. But between these two extremes there will be a number of cases in which the $\frac{3}{4}$ majority required by § 10 cannot be obtained, and yet great masses of people, speaking various tongues and forced to live together, will resist the process of absorption in the nation that harbours them and endeavour to maintain their own culture. The reconciliation of these opposing interests, which are guaranteed by the Constitution both to the nationality and to the state, can only be effected by accepting the claim of a certain minimum percentage of those speaking a foreign language within an administrative district to consideration of their special circumstances. This may be done by declaring the world-language to be allowable for all public business, administration, law-courts, school and church, in place of the language of the land. The obligation to learn the world-language, as soon it is laid upon all citizens of the leagues, will not be considered a humiliation by the inhabitants of these mixed-language districts, but the utility and advantage of it will induce them to acquire it gladly. They will then be saved the compulsion of learning the state language which is distasteful to them, and the officials of the state will be relieved of the necessity of acquiring another language besides their mother-tongue and the world-language, which latter is, besides, of use to them in other ways.

This regulation, besides removing this source of incessant and embittering friction, will also make possible within these mixed-language countries an exchange of real and mutually helpful ideas, freed from all bickering of nationality. Here too, this means that the ground will be prepared for mutual understanding. Furthermore, the fact that the league provides protection against all illegal agitation, but also against any attempt at oppression, will more and more bring in its train a free and undisturbed *laissez faire* for all endeavours towards the maintenance of a popular culture. Thus it may be foreseen that the states will be more successful in attaching foreign nationalities to themselves by a liberal and accommodating spirit than they have hitherto been by pressure and chicanery.

The U. L. N. must devote itself to the regulation of the language question and of the freedom of culture, as otherwise there would be great risk of dissensions between various peoples and thereby a disturbance of the cordial terms that should reign within the union. But the same considerations do not hold good in regard to the other guarantees of civic freedom, personal free-

dom, liberty of conscience, etc. However self-evident it may be that all these rights run parallel with the efforts of the league, yet it is not allowable to embody such guarantees in the constitution, as they might force the league to take action against an individual state without a vital interest of the league being at stake. This however must be most strictly avoided. Thanks to the opportunities of mutual influence among the nations by means of their leaders in the World Council there can hardly be any serious fear that free human and civic rights will be long withheld.

§ 19. Publications of the League. There can be no doubt that an official federal News and Information Office and active propaganda of all kinds in the interest of the league will be quite indispensable to the U. L. N., most especially in the period immediately following the war. This institution is too important to be left to the pleasure of the World Council and must therefore be included in the constitution as an obligation. The way of handling it may however be entrusted to the World Council; decisions taken by a majority of votes will be binding on all member-states. (Cf. note on § 4.) That the expenses of this institution are to be borne by the federal exchequer is evident. Besides the federal newspaper, reporting daily meetings, decisions and weighty judgments of U. L. N. authorities, expressing the federal standpoint on all contemporary happenings of importance and generally fulfilling the claims enumerated in § 19, there will be a need for special books and papers for the exhaustive treatment of questions of weight, further for the official technical reports of all departments in order to keep the experts of all countries up to date as to the intentions of the league. But there will be also need for any other means of publication calculated to enable all citizens of the league to form a reliable, positive, and justly appreciative verdict on the value and utility of the U. L. N. If the «Home Secretary» (chosen by the World Council) makes a fortunate choice for the head of the publication department, and if the World Council shows a sense of the value of these works by granting ample financial support, then it is very probable that the league will be able to exert more valuable influence in this way than, maybe, by all its other activities together. In view of our experiences of the Press during this war, the correctness of this estimate can hardly be called in question.

§ 20. **Federal Censor.** As a pendant to the positive, promoting activities required by § 19 there are in § 20 negative, checking provisions in the same sphere. Not only is the league itself to provide its citizens with ample material and opportunity to inform themselves as to the truth of all its institutions and undertakings, suggestions and decisions, but it is also to be enabled to eliminate and render harmless everything within its territory that publicly handicaps it in this task. No one who has given any attention to the mischievous influence exerted by certain associations and organs of the press even in time of peace, and still more during the world-war, will find the incorporation of § 20 in the constitution less than indispensable. Only by the creation of the sharpest and most effective weapons can it be prevented that these intellects, uncontrolled by any sense of responsibility, should continue to abuse their immense power, and to ply their trade of defamation and destruction even against the U. L. N., which certainly will never think of purchasing their goodwill by patronizing their brutally egoistic interests. It is to be hoped that the World Council will be equally convinced of this necessity, so that the enactments framed by it, without taking anything into consideration but the well-being of the L. N., will fulfil their purpose entirely. The expression «insult» has been considered by some too vague and the act of insulting not sufficiently grave to call for penalizing on the part of the U. L. N. As a substitute «to defame or to threaten» has been suggested. The replies insisted on the fact that every defamation is an insult, but it may be expressed by a person in terms that cannot be proved to be untrue, and which cannot therefore be classed as defamation although more damaging, deprecatory, irritating and dangerous to peace and order than calumny. In view of the vicious habits that have taken possession of our channels of public expression as a consequence of the long war, and in view of the great responsibility of the World Council compelling it to take most energetic steps against anything impairing its activities, it may well be considered advisable to do too much rather than too little in this direction. The maintenance and undisturbed progress of the league is what its citizens must have at heart above all things. If as a great exception this intention should ever lead to too much being done, so that some pert busybody might get rapped on the knuckles without there having been any compelling necessity, on the whole every one would consider it the lesser evil. But no one will desire to see mischievous abusiveness treated mildly when it

crows from the house-tops. Moreover the note appended to § 20 in the Draft indicates a reliable way of recognizing and protecting justifiable and positive criticism.

§ 21. **Free Regulations.** In this connection a promise is merely imposed upon the World Council without a time limit, in consideration of the fact that a number of pressing obligations have to be dealt with first. At the outset the settlement of relations touching organisation, land, economy, military forces and foreign policy will be more urgent. But § 21 is meant to exert a certain amount of pressure on the World Council from the very beginning, so that the departments may be constituted, the officials appointed, the institutions created in order that positive work may be undertaken in these fields as soon as ever circumstances permit. — In this way this important collaboration of the nations in all cultural and intellectual spheres, on which the future of the league depends, will not be postponed to an indefinite date. This § 21 is intended as an admonition to make immediate use of the numerous forces that are inestimable for the work of the league although not adapted to the technical departments. And further to arouse the interest of the masses and maintain their sympathies for the league for which purpose the other departments are less suitable. The enumeration of the subjects recommended to the «Home Office» is incomplete, as is indicated by the expression «among others». It is merely intended as an approximate list, to be completed at any time.

Production and Trade.

In this section the Draft is a compromise between two views. One of these asserts that only the granting of economic advantages will induce the nations to take part in the league and remain loyal to it. The other condemns all activity of the league in material spheres as a «preservation of capitalism» and anticipates an improvement of the world through the U. L. N. only if it leads to abolition of private property and to the socialization of all means of production everywhere. Now it is immediately evident that an understanding among the nations can only be achieved when there is unanimity as to the regulation of their economic relations. And it is just as obvious that the settlement of the world-peace, this most burning need of our time, cannot be waited for until marxism is

realized, for the aims of which the present-day state of the world's economics is not mature. And the demand for far-reaching economic engagements seems just as impracticable at a moment when the struggle between the nations is being fought almost as bitterly with economic measures as with military weapons. Here again the Draft keeps to the program that has often been mentioned—to omit nothing that seems indispensable to the realization and safeguarding of the U. L. N., and for the rest, for everything that appears to us advisable and desirable to limit itself to suggestions for subsequent reforms. The task of the «Home Office», on which the fate of the entire league will depend, will be to influence the future citizens of the world in the direction of a return from excessive and one-sided striving for material possessions. By the granting of a minimum of existence on the one hand, and by vigorous measures of taxation on the other, the rude contrasts of society will be removed; access to intellectual and spiritual pleasure will be made convenient and popular; by suitable direction of education in the schools and in public the people will have the truth impressed upon them, that all material possessions are merely given in custody, while the things of the mind and the soul are the only real property. In this and many other ways a generation will be bred to whom all and every heaping up of material goods will be contemptible, a generation free from material cares for this very reason, and whose joy of existence consists in an endeavour for the good of whole; healthy, natural and ennobled by all the achievements of culture, to whom the greed of gold will be just as detestable as the Inquisition and the torture chamber are to us to-day. Nevertheless in all these matters real success can only be expected as the result of long and wearisome toil, and the Draft must contain only those suggestions which may be realized immediately. The foundations for such a development must be secured, but here too it is needful to avoid demanding too much and intruding further into the internal affairs of the individual States than is absolutely necessary for the attainment of the aims of the U. L. N. Therefore the Draft is explicit in providing, that the free right of nations to regulate their own economic affairs is only to be limited when their unrestricted action might imperil the peace of the entire league. For this reason no response has been given to those who advocate the claims of a general Customs Union, or of general Free Trade. The only demand that is insisted on is that of the equal treatment of all members of the

league and adequate steps must be taken to prevent circumvention of this condition.

§ 22. State Subsidies. When the government of a state grants succour to a financial undertaking operating outside the country, the consequence always is that this government has to bear a share of the responsibility for all mistakes and remissness of the undertaking, and therefore, where under ordinary circumstances a private law-suit would result, there may easily arise tension and ill-feeling between two nations. The accumulation of such cases, helped on by those «interested» in one way or the other must at last lead to conflicts and to wars. If this state of affairs has already been felt to be offensive and dangerous, how much more must we consider it impossible in the U. L. N., the object of which is precisely the safeguarding of international peace. Consequently, if the «elbow-room» of certain enterprises is somewhat reduced, the losse of a few individuals must be contrasted with the immense gains of the whole through the guarantee of peace obtained thereby. For the contingency of great and exceptional tasks too onerous for private undertakings the possibility of a special grant has been provided. As the permission of the World Council is required for this step, there will generally be an inducement for several nations to supply the means, as indeed has sometimes been the case already. Such mutual undertakings enjoy the protection of the league (§ 25, and possibly § 26) which would be able to supervise the fairness and impartiality of the management in a more reliable manner than would otherwise be the case.

Paragraph 22 also covers the system of bounties on exports by which public funds are employed to control a foreign market by crushing competition, the bounty granted by the government, i. e. from the national exchequer, being used as an indemnification for losses on the exports. Thus the producers are enabled to show enormous figures for their output, with profits to match, while the home consumers must pay high prices in consequence of the artificial shortage in the market, and the foreign interests revenge themselves as best they can for the damage done to them, taking as their butt, not those who are really culpable, but the entire nation.

§ 23. Prohibition of Dumping. Here as in § 22 a trade trick is to be suppressed which obtains the same result as that described above, except that it is managed by private agreements without help from the state. Great masses of some article produced on an enor-

mous scale are forced over the frontiers at prices that do not cover expenses and crush the competition there. By means of trusts, home prices are screwed up so high, thanks to the shortage of goods so obtained, that the loss on exports is amply covered. Thus, in this case, individual consumers pay for the increased profits of the trick directly, whereas in the case of § 22 the same thing is done indirectly, seeing that the bounty granted by the government must naturally be raised by the mass of the people in the form of taxes, customs-duties, etc. The nations have no manner of vital interest in the whole affair, but the U. L. N. as the guardian of peaceable international trade has well founded reasons for rooting out this sort of super-pursepride with its enormous figures of production and export, which is not a whit less nonsensical, insipid and provocative than that of private upstarts.

§ 24. **Unfair Competition.** Every other abuse of free competition in the world's commerce must be suppressed and penalized for the sake of peace. As in the relationship between individual states, so too in the U. L. N. the conception of «unfair» will gradually acquire a sharper and finer definition, when with the increase of general traffic the sense of what is dishonest and unfair and consequently disallowed has grown stronger again. And yet at least the grossest and most obvious offences against loyalty and trust should be clearly defined at the very beginning of the league's activities, in order to be enabled at once to take an energetic stand against the brutalizing of morals in international business which is one of the products of the war. Here as well there can be no doubt as to the deep common interest of all citizens, an interest that will require careful protection, more especially in the U. L. N.'s period of development. An appropriate application of laws already existing in individual states to this sphere of international activity may well be considered possible and adequate.

§ 25. **Commercial Treaties.** (Customs Tariffs.) For reasons that have already been stated the Draft declines to go beyond the demand for equal treatment of all states in the Union. Every state may draw up its tariffs entirely according to its own interests, in this it must be protected by the L. N. as long as it avoids treating any member of the latter worse than others. The spirit of understanding and peace-making pervading all laws and institutions of the U. L. N. will doubtless tend to a speedy abolition of all customs. Fighting-tariffs

for political purposes are made impossible even now by § 25. The more the conditions for the acquisition of raw materials are made uniform (§ 29), the more the development of social legislation reaches the same level (§ 21), the more freedom and sincerity in the world's trade are protected (§§ 22/24), and the more chauvinistic and materialistic tradesmanmindedness is replaced by a magnanimous ethical cosmopolitan consciousness, the sooner will all economic struggles lose their bitterness and spite. In their place there will finally arise a system of contracted collaboration, syndicates will make all customs superfluous by producing, distributing, transporting and manufacturing raw materials on a basis of unified time-saving and power-saving standards, and general Free Trade throughout the whole earth will be as much a matter of course as it now is in individual states the provinces of which used to handicap and damage one another in many ways with their custom barriers. But this reform, like so many others, cannot be violently forced through by the U. L. N., nor can it be conjured up with a turn of the hand; it can merely be suggested and helped forward. It must grow from within at the same rate as the strengthening and progress of the general conditions produced by the league.

It is obvious that § 25 is to apply to all customs tariffs within the territory of the league, that is to say to such countries as well as are economically but not politically independent.

Means of Communication.

§ 26. **Federal Arrangements for Communication.** Besides the means of communication in the stricter sense (transport arrangements, construction of roads, tunnels, bridges, coaling stations, sea-marks, etc.) we must here consider all other possible means of facilitating the intercourse of the world, as, for example, standard systems of money, weights and measures. The complications of this subject do not permit of its details being incorporated in the Constitution, they are therefore entrusted to the World Council. On account of the far-reaching changes in the internal affairs of all individual states, the World Council by way of an exception is not entitled to pass decisions that would be universally binding by a simple majority; the unanimity of all member states of the World Council is explicitly laid down, and not merely of their delegates. Thus no nation can be forced to accept a reform that is

unpalatable to its parliament. It is to be anticipated, however, that the advantages of uniformity may be more easily made clear to all peoples, and national idiosyncrasies more easily induced to yield when expert representatives of all nations have ample opportunity for expressing themselves and arriving at an understanding, and when the apparatus of publication provided by § 19 functions effectively.

In order to secure a rational and impartial management it will often prove advisable for the U. L. N. to take over the control of existing or projected means of communication. Here too the agreement of all member-states is made essential by § 26, as it is a question of employing organs that belong to all members of the league in common, for works intended for the good of a part. The provision that the accounts for the finances of means of communication managed by the league are to be kept separate from those for other federal finances, signifies that the funds acquired by the league under § 31 are not to be used for such purposes, so that the contributions of one nation shall not be employed for expenditure in the sole interest of other nations. This fact will facilitate the attainment of the prescribed unanimity.

§ 27. **Freedom of the Seas.** The oft-repeated query as to whether the freedom of the seas is to be demanded for war-time as well becomes an idle one as soon as the League of Nations is realized, seeing that there will then be no more war. The complete and unrestricted accessibility of all sea-routes for all the nations is a self-evident consequence of free trade in the world as demanded above, and a pre-requisite for the regulation of colonial matters as suggested in the following paragraphs. It is, at the same time, a pre-requisite and a result of the total disarmament proposed in §§ 37-47. As to the use to which the fortified places hitherto serving to block sea-routes might be put the reader is referred to the explanatory note on § 44. It will hardly be questioned that the U. L. N. itself may make use of a blockade in the interest of its members, i. e. against states not belonging to the league.

Colonial Matters.

In § 2 of the draft it has been laid down as a principle that all peoples of the earth are equally entitled to become members of the league and should be induced so to do. Just as it seems impossible,

since the abolition of serfdom and slavery, that a human being should be forcibly handed over to the mercy of another, so for the future it must be intolerable that one people should be dominated and ruled by the will and power of another under any circumstances whatever. This freedom of self-government for all nations must stand as a vital principle, and only because the ability to enjoy the advantages connected with such freedom and to fulfil the duties arising therefrom, though existing in most nations is not to be posited of all, must a distinction be admitted. It is the province of the World Council to make this distinction (§ 3). If, after examination of all cultural and economic factors, the World Council is of the opinion that a certain people does not yet possess the above-mentioned ability to a sufficient degree, and that therefore the recognition of the right of self-government would presumably prove prejudicial to itself or to other members of the league, then this right is to be temporarily withheld and the people in question placed under the protectorate of the World Council; which decision is to hold good until the Council is able to revise its opinion and recognize that maturity has been attained. Only those lands which are inhabited by nations that have been considered immature and placed under the guardianship of the U. L. N. are termed «colonies» in the Draft. All other nations, that is to say those about whom the World Council raises no question, may enter the league, either within the state or group of states in which they are included, or after having seceded from same (§ 10) as members with equal rights. Thus colonial peoples are only those whose administration is undertaken by the entirety of the federated nations until the former, in the opinion of the World Council, shall have obtained the ability to govern themselves.

As was to be expected, these suggestions called forth annoyance and indignation in many quarters—did not the slaveholders of the American States resist the «expropriation» of their slaves with all their might, their action being a cause of war! The new period of the U. L. N must ride rough-shod over such protests of fossilized egoism. The autonomy of the peoples must not be restricted for any other reason than that of their own good, and the decision on such a point must not be entrusted to any one people, but only to the peoples in their entirety as united in the league of nations. Just as the freedom of the individual may not be restricted merely at the desire or for the advantage of another individual but only in the interest of the whole for the

maintenance of public order, and even then only by the representatives of all citizens, by the authorities.

The standpoint that the «expansive power» of a nation entitles it to a favoured position as regards the sharing out of the world's goods must be rejected most emphatically. He who brings more posterity into the world than he can maintain shows not his «power» but his frivolity. And if, because of this «achievement» he demands an increase of his goods, then he is not exercising a «right» but showing his presumption which amounts to blackguardism when he tries to make his claim good by violence and to sweep aside the rights of others. Such views, which have grown from the fallacy of imagining that position in the world, esteem, «greatness» are to be secured for a nation by means of big figures or brutal self-assertion, must be opposed by the U. L. N. with all the means at its disposal, otherwise all its work will be in vain. If, however, it is a question of improving the conditions of life of an over-crowded population, a humanitarian task that most certainly comes within the circle of ideas fostered by the league, then the syndicalization of the colonies as suggested in the draft for the rational and intensive exploitation of all potentialities, will prove more helpful than any other system.

If in the cause of strictly observed international law the states must inevitably make some concession of their right to dispose freely of themselves, yet it is necessary to insist on the fact that no manner of change in the conditions of private ownership is to be deduced therefrom. If this were questioned it would be needful to call for a revision of the justification of all the conditions of private property. That this is impossible, that this is bound up with such a complete solution of all the bonds of civic order as cannot be tolerated over and above all the confusion and misery of the war, is surely not difficult to conceive. We cannot with one blow solve both the national and the social problem as well, and as we were drawn into war because of national quarrels we must begin with them in order to free ourselves again. When once tolerably regulated national relationships have been attained, there is no need to fear that the task of changing social relationships will be remitted. For the present however, in order to make any progress at all, we must limit ourselves to the treatment of private property in the «colonies» in accordance with the spirit of all other provisions of the Draft. This will mean that conditions of private property are to be left, or restored to, what they

were before 1st August 1914. Where this is not feasible, the regulation of restoration as suggested in § 54 must come into force.

To sum up, the proposed regulation of colonial matters must find its expression in the abolition of all mass-slavery as required by the conscience of mankind; in making all colonial territory equally accessible to all nations on the same terms of justice; in the security and freedom of development of all constitutional undertakings, which security would be guaranteed by the stability of colonial conditions; and in the protection of private property in accordance with federal law. It must be clear to every sober and unbiassed thinker that if these claims are fulfilled the future of all nations will be much better safe-guarded than by the alternative of the inevitable continuance of the cruel ruinous war in the home-countries as well as in the colonies. Such an argument should meet with approval in the very circles most closely connected with this subject-matter, as they must know from their daily experience how completely the advantages of a syndicate outweigh the restrictions it imposes, how much more it has to offer than unrestrained license which must always degenerate at last into a brutal struggle of all against all.

§ 28. **Federal Colonies.** It will be a purely technical question to be decided by the experts, as to how far a union of the lands to be administered by the Colonial Office would be capable of facilitating its task. The natural consequence of what was said above is that the natives must gradually be educated and attracted to take part in the administration of their land as far as is in any way practicable, and that all obligations laid on individual states by the World Council, as well as all rights granted by it must be applied to the colonies in the sense of these provisions—i. e., as far as no obstacle is presented by a deficiency in their capability of action. The Colonial Office here takes the place of the government in a member-state, and of a popular representative assembly as well, should the colony be devoid even of the beginnings of a parliament. In this way attempts would be made gradually to approach the conditions requisite for the attainment of self-government. The Committee of Superintendence in the World Council, i. e., that section which is responsible for the control of the Colonial Office (§ 76), forms a court of appeal where subjects of colonial districts may lodge complaints as to the treatment meted out to them by the Colonial Office. If, even with the help of the Judicial Council provided by § 83, 6 a, no

redress or agreement can be obtained, the Court of Private Appeal (§ 83, 6 c) must give the final verdict.

Here too a term of abeyance is laid down to make the transition easier. But it must be noticed that the leading positions in the department during the first 20 years after the war may only be occupied by subjects of states that did not participate in the hostilities (§ 82), which restriction does not of course exclude the possibility of making use of the advisory collaboration of experts of any nationality. Such an arrangement, while making all allowances for justifiable sensitiveness, may be expected to secure the impartiality and least possible friction in the functioning of the Colonial Office.

§ 29. **The Open Door**, combined with the provisions of § 27, guarantees for all members of the league, great or small, equal rights in the free and unrestricted trade of the world. In this way the smaller nations at last obtain complete equality of rights and freedom of action, while the great nations obtain permanent peace and assured prosperity. That the World Council should facilitate the obtaining of all colonial products needed to secure a minimum of existence for every necessitous citizen, is to be considered as a right, not as a duty. This suggestion will be adopted as soon as the claim for a minimum of existence guaranteed by the state has been generally accepted, which reform constitutes, to our way of thinking, the summit and climax of all social legislation. Its introduction will be rendered much less difficult if the necessary materials can be obtained at the cheapest possible rates, if, above all, they can be removed from the sphere of speculation. A uniform plan of cultivation, carefully taking into consideration all technical factors and utilizing all accumulated experience, by increasing the productivity of the colonies, will go far to improve the conditions of life of all the citizens of the league and will thus advance the interests of the U.L.N. to an eminent degree.

Finances.

§ 30. **Colonial Finances.** As regards finances as well, the exploitation of colonial peoples is to be prevented. The taxation of the natives is either to be done away with entirely or to be restricted to a very low figure. The raising of customs duties by the colonies—equal, of course, for all members of the league—will be permissible, but with the increasing economic efficiency of the colonies

even these may gradually be reduced. The suggestion that the Colonial Office shall be empowered to administer the whole of the colonies in its charge as one complex, and thus to employ the surplus of a prosperous land for the improvement of other necessitous districts, is not in accordance with the principle of strict justice as laid down in § 30. Whether the revenue of colony A were used for the general purposes of the U. L. N. (which would be unconstitutional) or whether for the improvement of colony B, which has nothing in common with A besides the centre of administration, the result, from A's point of view, would be the same. But perhaps it would be possible to help matters by permitting colony A to grant terminable and interest-bearing loans to needy colonies from its surplus, which, while remaining as part of the possessions of the more productive colony, would still answer the purpose in view. To be sure the U. L. N. would be forced to become security for the transaction, which is surely not too much to expect of it, seeing that the administration of the debtor-colony is in its hands. At any rate it should be possible in this way to increase the efficiency of the colonies and their help for the U. L. N. very considerably, without making any demands on the funds of the home-states.

§ 31. **Federal Finances.** The raising of the funds by means of proportionate contributions from the member-states, calculated on the number of their subjects entitled to vote for the World Council, may be considered the simplest though not the most equitable solution of the financial problem. The suggestion that the contributions should be estimated not on the number of enfranchised subjects but on the basis of their effective taxation, though preferable in itself, would be certain to fail on account of the great diversity amongst the systems of taxation. Besides, the contributions, when quoted per head of the population, would be so minute that there would be no justification for giving rise to long-winded discussions and endless complaints on account of the difference between one system and the other. Finally the calculation of contributions, military contingents (§ 41) and delegates (§ 56) on the one basis of the number of voters is a factor of conciliation that must impress itself even on the untrained minds of the masses, and thereby promote respect for the institutions of the U. L. N.

A reserve fund might serve to provide adequate means for meeting such unusual events as demand rapid and liberal assistance—natural catastrophes, grave accidents, epidemics etc. It would

also serve to cover any deficits which might arise from disturbances within a member-state and produce a certain amount of insolvency. The suggestion that every state when entering the league should give material security for the fulfilment of its financial obligations, a kind of blank-acceptance or sight bill, in the form of an assignment on customs, excise duties or the like, is worth considering.

§ 32. **Federal Supplies.** The regulation of this subject in the fundamental articles is to be recommended, as purely juridical judgments will not be entirely practical, and irrelevant factors cannot be completely eliminated. More especially in the period of transition unwelcome disputes may be avoided by a regulation in advance, precisely formulated and binding in its character. For the sake of economy of materials it will be permissible to cover supplies for military purposes as far as possible from existing stocks which will have become valueless to individual states in consequence of the disarmament.

Foreign Affairs.

Paragraph 2 enacts that the league shall be constituted as soon as the number of states ready to participate seems great enough to secure its existence and activity. Thus the possibility will have to be reckoned with that the U. L. N. will consist at the outset only of a group of existing independent states and their colonies, and it is therefore necessary to order its relations with states remaining outside of its bounds. It accords with the purpose and the entire character of the U. L. N. that its recruiting powers should consist simply in its activities, which are directed to the protection and pacification of the nations it harbours, by which example it would hope to induce all nations to become members. The use of pressure of any kind for the purpose of extending its sphere must therefore be regarded as entirely out of the question. Seeing that any difference arising between a member-state and one remaining outside the league would become a burden to the whole league, it is of prime importance that the league itself, and the league alone, should be responsible for all dealings with foreign states through the department constituted for this purpose, and that the member-states on the other hand should abstain from any foreign agreement. Thus the Foreign Office has the task of taking steps to make the advantages and achievements of the U. L. N. sufficiently known to foreign states

in order to induce them to join the league. And also to watch over the intercourse between the member-states and those still outside the union, and in case of need to represent and defend their interests and the interests of their citizens abroad in accordance with the federal constitution. Finally it must take care that complications and conflicts do not arise in consequence of doubts and misunderstandings as to the intentions and aims of the U. L. N. or its members. The absolute exclusion of all endeavours towards might and prestige which is a fundamental principle of the U. L. N., and the purely defensive tendency of all its laws and institutions render the intentions of its foreign policy so clear and simple that no «professional diplomatists» will be necessary at all. For this province which may well be considered the most onerous and responsible department in all states of to-day, the purely technical activity of its officials will be adequate and reliable, and this very point will characterize most sharply the contrast between the old period and the new. Nor will the representatives of the U. L. N. in foreign states need to be «clique» diplomats. Above all things their qualification must be that they are bearers of the spirit that strives towards the highest human ideals, the spirit that must pervade and guide the league, so that they may be able to win friends and supporters of the league throughout the world.

Seeing that the sovereign rights of individual states have hitherto been valid only within the territorial boundaries, and all measures beyond them were merely directed towards safe-guarding the interests of their own nation as against foreign states—a task which the governments are to be saved by the U. L. N.—it is admissible to speak of a relief of the sovereign rights of individual states but not of their restriction. If all states of the earth should enter the league the Foreign Office will have become superfluous and will be dissolved.

The representation of all economic interests is to be kept entirely separate from this political task (§ 35), such representation being left to the option of the member-states, though indeed under the supervision of the political authorities, since conflicts may arise from economic differences, for the settlement of which the entire league would then be responsible.

§ 33. The Foreign Affairs Representation of the U.L.N. will thus need intellectually and morally eminent men, imbued with the desire for conciliation and peace and yet vigorous and shrewd so as to

make clear to all nations the sincerely pacific character of the league, and to protect it against any attempt at misrepresentation or abuse. Consequently, in choosing them, more weight will be laid on personal worth, experience, matureness, and agreement with the spirit of the league, on the art of living and knowledge of human nature, than on red-tape and business smartness. The investigation and judgment of such weighty questions of international and constitutional law as may occasionally call for decision, may safely be entrusted to a juridical department in the home-country.

§ 34. **Political Treaties** between individual states within the league and states that are not members cannot be permitted in consequence of § 33, and treaties existing at the inauguration of the league must be brought into harmony with this enactment. Should the foreign state refuse to agree to the revision of the treaty, there remains no alternative but to give notice of termination. It may prove advisable to demand the immediate termination of such treaties as run counter to federal law, even if the wording of the treaty should thereby be violated. It might lead to serious damage for the league if treaties, prejudicial to the working of federal laws and producing disparity among the individual states, were to remain as a menace to the peace of the league. The interests of the U. L. N. must take precedence of those of any single state and the latter must yield when the necessities of the entire league require it. It is self-evident that the interests of the foreign state must not be unfairly affected as a consequence of the termination of the treaty, and if need be a proportionate indemnification would have to be granted by the league.

§ 35. **Commercial Representation.** These institutions, being purely economic consulates — either professional or honorary — constitute no danger to the common interests of the league as long as their activities are confined within the limits laid down by §§ 22—27. If the official representative of the federal Foreign Office should be obliged to intervene in cases of violation of these enactments, he will have to judge the matter on its own merits in every case in order to decide how his duty may best be fulfilled. It is to be expected that his tact and ability will enable him to perform his functions without hurting the sensibilities of the nation whose commercial representative is to be reproved, otherwise greater injury might be caused to the U. L. N. than the enactments are intended to parry. Just because of this delicate position of the federal representative

the member-states must exercise the utmost care in the choice of their consuls, and not merely require of them business method and smartness, but must also see that their representatives are conscientious and conscious of their federal responsibility as well as of their national duties. If however, disputes should arise, the Court of Arbitration (§ 83 6d) is to decide the matter, and the highest court of appeal is the World Council.

§ 36. **Secret Treaties.** After all that has been stated it is obvious that secret treaties can have no validity. The World Council must have the right to know thoroughly the relationships, claims and obligations of member-states and to take measures for securing their conformity with federal law. Only then can it be expected to put its entire energy into the task of protecting them and refuting unjust claims upon them.

Federal Forces.

To-day all advocates of a permanent peace agree that a well-regulated symbiosis of the peoples is unthinkable as long as Might rules the earth instead of Right, and that the creation of international relationships entirely based upon law is the *conditio sine qua non* for any union of the nations which is to last. And there is now no dissentient voice against the conviction that international law can only be of value when supported by a sufficiently strong executive power, when Right thus becomes Law capable of exerting its authority under all circumstances. Few only have raised any great objection to the principle that in military action alone is the quickest and surest means of suppressing all resistance to the federal power, though this would not exclude the previous application of penalizing measures in other spheres. And further it has readily been understood that the more promptly and effectively the league is able to intervene the less often will the need arise for such a step. Having gone so far it must be easy to comprehend that the most important requisite for the security of the international legal system now to be agreed upon, must be the unconditional subordination of all participants to this law and, as a logical consequence, the renunciation of self-defence of any kind. It is not enough for the federal power to be superior to that of the individual states; the bare idea of an attempt at armed self-defence, whether against the federation or

against another state, must be rendered untenable, otherwise none of the participating states can have any confidence in the legal basis of the league. There is no other way but that the individual states bind themselves on principle, and once for all, to obtain justice only by appealing to the arbitration authorities of the U. L. N., in just the same way as the citizen, when he feels that an injustice has been done him, would not think of any other way except that of the regular courts of his country. But if the states must not employ any kind of armed force to obtain justice or to defend themselves, if consequently armies and navies can only possess representative or decorative significance, will milliards be wasted on such senseless and aimless trifling and millions of healthy men kept unproductive? It has been suggested that the member-states should be obliged to place their armies at the disposal of the federation in case of need. But history should have taught us that only when uniformly organized and trained troops have been accessible in time of peace — not in the last moment of peril — is it possible to operate with them effectively. And further we ought to have learnt that standing armies are always a source of nationalist excitement, and that the tension and friction resulting from their maintenance produces just that atmosphere of distrust and spitefulness which is precisely the opposite of what the league needs for its prosperity and healthy strength. On this point we have need of clearness and resolution to face the last consequences! Either we are to build up a league of nations, capable of safe-guarding the rights of its members both at home and abroad, then the possibility of an appeal to arms must be rooted out by prohibiting individual states to maintain troops. Then too the carrying out of this prohibition must be completely assured so that no ground for fear may remain on either side. Thus all nations will be obliged to rely on the justice of the league, and tranquillity and peace will be secured for all time. Or else the system of the army of the member states is to be retained, then, evidently, the other nations will not be able to rely on the justice of the league. The army will then have to be powerful enough to meet any other army successfully, in a word, armaments are to be continued! Militarism, abominated by the whole world, will dominate more than ever, enriched by all the experience of the world-war, and we shall never have peace nor even an armistice, but war acute or chronic, atrocious, murderous, all-consuming! This is the parting of the ways — either the league of nations and peace, or militarism and war; a combination of the

two is out of the question. Either Right without exception, or Might as hitherto.

There is no middle course. Every attempt to compromise with tradition and nationalist ambition must be wrecked on the incompatibility of these antipodes. If militarism is to be abolished it must be done completely. A gradual, tentative disarmament is an absurdity. Either we are to create a league of nations so that confidence may be placed in its effectiveness, then all armies are superfluous, extravagant and dangerous; or this confidence is not to be created, then the U. L. N. cannot be constituted. If there is no certainty that the protection of the federation is effective, no manner of supervision can make up for the lack of it, and nothing remains but every one for himself. Until this choice is clearly and unreservedly made the war cannot cease. Nothing but complete renunciation of all self-defence, and consequently, immediate total disarmament is capable of assuring the effectiveness of international law, confidence in the trustworthiness of the U. L. N., and through these the real and lasting peace of the world.

§ 37. The Federal Army and Navy. The strength of the federal forces will depend on what states belong to the league, that is to say, on what frontiers have to be guarded. If, as is to be hoped, all European states with their colonies (old definition) and the United States become members at once, then — apart from the eastern frontier — only the guarding of the coasts will be necessary, a task that requires relatively few men, at any rate a mere fraction of the forces that will have to be maintained in these lands if the U. L. N. is not formed. The federal navy too will then be strong enough for defence against non-participants, even if it is limited to a small percentage of the combined fleets of these countries, especially as the Baltic, North Sea and Mediterranean will then have become easily susceptible of closure as inland seas and which require no protection at all. The fact that the federal Defence Department will be superfluous and have to be dissolved as soon as all nations have joined the U. L. N. is self-evident, and is only mentioned here to emphasize still further the purely defensive character of the league.

§ 38. Training and Administration. In this connection § 82 must again be mentioned, in which it is laid down that the responsible control of the departments, including that of the federal army and navy, is, at the outset, to be entrusted to neutrals alone. As however these heads of departments would naturally have the option of cal-

ling in the aid of experts of any nationality, the U. L. N. would have the pick of the best and most experienced talents for the creation of its defensive forces. The obligation of the Federal Defence Department to submit all its decisions for the approval of the World Council would enable the representatives of all nations to supervise the neutral chefs.

§ 39. **Commanders.** At first the commanders of the federal forces may only be neutrals. They will be appointed in time of peace and will thus have the opportunity of preparing all the forces in accordance with their views, training the subordinates suited to them, and making themselves thoroughly acquainted with all the details of their office. The explicit subjection of military commanders to the law touching accountability of officials (§ 80) is intended to prevent anything being done in excess of what is absolutely necessary, seeing that military measures cannot be submitted in advance for the approbation of the World Council.

§ 40. **Defensive Strategy.** This paragraph once more defines the aim of the military institutions of the league with great exactitude. Weight is given to the fact that under certain circumstances the defence may be carried out more effectively by means of an attack when it is needful to anticipate a menace and to save the home-country from the damage to buildings and crops resulting from a battle. But definite proof of necessity must be provided and this in advance — not after the event, as is clear from the wording of the paragraph. An abuse of this limitation of the purely defensive is thus hardly to be anticipated.

§ 41. **Contingents.** The number of men to be provided for the contingents is not based on the population, but on the number of voters, for the sake of a just division of duties in proportion to privileges. The estimating of the strength of contingents, length of service, fitness of the men, etc., must be made uniform by the Constitution so as to avoid complaints as to unfair treatment. The method of selection however (drawing lots or the like) is indifferent for the World Council and is therefore left to the individual states. As the World Council merely claims the fulfilment of the duty of mustering the requisite number of men, the right of demanding an exemption-tax from those not serving is a matter for the member-states to decide for themselves.

§ 42. **Military Expenses.** The uniformity of the federal forces which necessitates uniformity in contracts etc., makes it appear

practical for the federal exchequer to take over the expenses and to recover them from the member-states by means of proportionate contributions (§ 31). Arithmetically the result is the same, since the strength of the contingents and the amount of the contributions are calculated on the same basis — the number of voters. But in this way complete uniformity of recompense, which is so beneficial to discipline and zeal, is secured for all those who are compelled to serve. In order to prevent subsequent disputes as to the amounts of these payments, the details are to be enumerated in the Constitution.

§ 43. Official Language of Service. The carrying out of § 43 is dependent on the acceptance of § 17, but *vice versa* the need of the arrangement suggested in § 43 may serve as an argument in favour of § 17. Uniformity of training, command and administration of an army is hardly to be attained if 60 or more languages are to be recognized in it. The efficiency and striking force of this sole instrument for the defence of the league would most certainly gain and the strain on the entire apparatus be considerably reduced, if as a result of the acceptance of § 17, all soldiers had mastered the universal language, thus making the application of § 43 a simple matter of course. To prevent more being demanded than is absolutely needed, such units of the army as include subjects of one nation only, might be exempted from the regulation ordaining the use of the standard language.

§ 44. Expropriation. On account of the supreme urgency of federal defence, the U. L. N., by way of an exception, is here entitled to interfere directly in the private affairs of federal citizens, for which reason we insist on the precise constitutional circumscription of the competence of the league and the Federal Defence Department. The proviso that the league is to make use of the mediation of the member-state is intended to safeguard private persons against avoidable hardships in the application of this paragraph. Here too the question has been raised as to what is to become of fortified places, naval bases etc., after the U. L. N. has come into existence. The answer was that, in accordance with §§ 47 and 46, no member-state would be allowed to possess its own troops or stores of war-material. Thus all institutions and buildings created for war purposes will have been deprived of their military significance, unless the U. L. N. needs them itself, when they will be purchased or rented. The manner in which member-states are to employ their own possessions does not fall within the province of the league. The barracks will presumably

be employed for charitable institutions, and when it is clear that the forts have really become purposeless they will gradually be razed. All these points are home-affairs of the member-states with which the league has nothing to do.

§ 45. Prohibition of Fire-arms. In order to prevent any circumvention of §§ 12 and 47, without restricting the liberty of the people more than is absolutely necessary, it is suggested to prohibit not the carriage of fire-arms as such, but the possession of weapons and materials capable of being used for purposes of war. Exceptional licenses (for sportsmen) must be obtained direct from the league in order to create mutual confidence among the nations that § 45 is really and strictly carried out. All fears that § 45 might be circumvented by secret organizations, founded under cover of such names as citizens' unions, gymnastic and rifle clubs, are removed by this and the following paragraphs. Without artillery, rifles, and ammunition no one can start a war.

§ 46. Federal Monopoly of War materials. This is a supplement to the protection aimed at in § 45, and moreover the only means of removing underground private interests in military conflicts. The monopoly would also serve to assure the efficiency of the army as it is to be supposed that private firms would not give any special attention to such a reduced demand.

§ 47. Police Troops. The U. L. N. can raise no objection to the maintenance of police troops whose numbers, organization and arms do not permit of war-like operations. In the notes on § 12 and 14 the possibility of employing police troops in case of disturbances and catastrophes has already been mentioned. As to the need of this paragraph no doubts have been raised. The possibility of using it for the circumvention of the prohibition regarding regular troops may be considered as obviated by §§ 45 and 46. But provided that these restrictions are conscientiously observed, the U. L. N. will be interested in having these organizations as efficient as may be. The more effectively the states, towns and districts are able to care for themselves, the less often will the assistance of the league be required. This is only to be granted in exceptionally difficult cases. Paragraph 14 which lays the cost of an intervention on the state occasioning same will tend to prevent abuses.

§ 48. Compulsory Civil Service. In the note appended to § 48 in the Draft it has already been shown what considerations led to the inclusion of this provision in the Constitution, although, in contra-

distinction to the rule strictly followed elsewhere, a considerable influence on the home affairs of the member-states is unavoidable. It may be added that if the U. L. N. is successful in establishing permanent peace, it is highly probable that a period of the greatest fatigue and exhaustion will follow in all nations that have participated in the war. If no special measures are provided, decades may elapse before reforms of any weight are carried through apart from those that are immediately urgent. Compulsory civil service will train up the growing generation, especially in the transition from school to practical life, to become true citizens, conscious of their duties both to their mother-country and to the federation, and will imbue them with the spirit on which the league must rely if it is to succeed in doing justice to its aim. In this way it will be possible to save the nations from marasmus and despondency, and to build up a conception of life and the cosmos full of the will and the ability to support and spiritualize the federal idea. Here a new and grateful sphere is opened up especially for the officers of all nations. Here it will be possible for them to implant in the minds of future fathers and mothers the best virtues of their calling, sincerity and simplicity, resolution and stamina, efficiency and unpretentiousness, but above all the quality of glad and unselfish devotion to home and motherland. This leading role will undoubtedly yield them high gratification, they will thus assist their compatriots towards happy and peaceful life, instead of training them for cannon fodder as they have hitherto done.

Justice.

The conception which permeates the entire Draft that peace amongst the nations is only to be established when all arbitrary power of the member-states is completely subjected to the laws and courts created and protected by all, must naturally find its clearest expression in the ordering of the system of justice in the L. N. No account is taken of non-obliging, non-binding agreements, or of any «courts of agreement and mediation», since experience shows that no reliance can be placed upon them. If, on the ground of the experience of thousands of years, it has been found necessary to place the relations of privilege and right among individuals under compulsion for the sake of public peace how much more needful and justifiable must the same process be when it is a question of disputes

between millions of human beings on matters that affect the peace of the world! Surely the lessons of the world war should suffice to warn against all half-measures, all hesitation and inadequacy, and to prove the need of a radical re-orientation, of a purely obligatory and only real system of international law. Putting all sentimentality ruthlessly on one side, it must be made clear that without an absolutely reliable guarantee of the new system there can be no c o n f i d e n c e, and nationalist sensitiveness and tradition, by advocating transitional stages and gradual evolution, can produce no other result than the prolongation of the agony of war. To call the compulsion here demanded in the cause of unity a restriction of the sovereign rights of individual states is just as absurd as to regard the subjection to the jurisdiction of one's homeland in the light of a limitation of the freedom of the will. As has so often been preached to individual men, real moral freedom does not consist in unlimited licence but in freewill born of reason which adapts itself to the claims of the whole; and this truth must be considered valid for nations—associations of individuals. From such considerations the draft draws the practical conclusion that nothing but a firm, complete system of law, with effective guarantees for its administration, covering all mutual relationships of the peoples, can fulfil the aim of the league : the maintenance of a lasting peace. The organization of justice, which—in contradistinction to many other plans for a league of nations—does not here form the only or even the chief object of agreement amongst the nations, but merely constitutes the ordering and securing of the contents of the treaties, has the task of providing firmness and protection in all other departments by the creation and handling of effective and reliable institutions.

§§ 49 and 50. **Legal Treaties.** It seems practical to enumerate and compare, at this point, the three kinds of international treaties provided for by the Draft. Purely economic treaties (Customs tariffs, § 25) are left entirely to the members of the league as long as they do not offend against the chief endeavour of the league by unequal treatment of members or by any attempt at a policy of might. The Draft does not provide that notice must be given to existing treaties which violate these conditions, seeing that most customs treaties are or soon will be terminated, and the disadvantages occasioned by unconstitutional treaties running on to their normal term can hardly be greater than those caused by giving short notice and thus producing grave inconvenience in the economic life of a member-state or serious differences with a foreign power. Political treaties (§ 34),

on the other hand, are strictly prohibited to members, both among themselves and with foreign states. Existing treaties of this category must be terminated at once for reasons given in the explanatory note on § 34. Between these two kinds there are treaties of a legal character as enumerated in §§ 49 and 50. Here, too, intrinsic uniformity in the entire territory of the league is of great importance for the avoidance of jealousy and animosity amongst the members. But the disadvantage of a short continuance of such treaties will be less felt than the inconvenience that might arise from an immediate cancelling of these agreements with their frequent complications. Therefore the World Council is empowered to fix terms to such treaties as do not harmonize with the laws of the U. L. N. That legal treaties with non-federated states must be made subject to the approval of the World Council follows naturally from the reasons given in the note on § 36.

§ 51. **The World Council as Supreme Court.** The justification of this provision as far as it applies to decisions of the Court of Arbitration has hardly been called in question, as it really seems necessary to make possible a revision of the purely juridical standpoint from the point of view of the general interests of the league in disputes between member-states among themselves and in appeals of member-states against departmental decisions. The factors of equity and of the necessity for a more «familiar» conception within the league, which would be capable of smoothing down strictly technical verdicts in the interest of peace, may more readily be brought to bear by the World Council itself than by the officials of a court of justice. The World Council would then bear the sole responsibility for seeing that such incidents as might arise did not lead to serious conflicts. As regards the decisions of the Court of Administration § 51 may also be justified when it is a question of serious events that disturb the functions of the federal administration, whereas less important affairs might have their court of appeal in another senate of the same court. But the Federal Tribunal should only have the right of appeal to the World Council in the sense that the latter might exercise its right of reprieving or pardoning, while the regular course of appeal in criminal cases would be to the court provided under § 83, 6 c.

§ 52. **Uniformity of Justice.** The desirability of uniformity in legal matters as here proposed has met with no denial. Nevertheless, as an exception to the general rule, a majority decision of the World

Council is not considered sufficient for the execution of this paragraph, but the agreement of all member states is expressly required, except when it is a question of removing laws that are in opposition to the Constitution and consequently disallowed. Here again the World Council is not to exert more influence on the home affairs of member-states than appears indispensable for the security of the L. N.'s existence.

Division of Administration.

§ 53. The lively discussion that arose as to the opportuneness of this enactment seems superfluous, seeing that it is merely provided for the case of a general need in this direction making itself felt. As long as no division of the administration appears needful this paragraph will cause no disturbance of the Constitution. If however it should at last be evident that such a division lay in the interest of the entire league, then it will be satisfactory to have come to a decision as to its admissibility in advance. It is true that the great increase in the world's intercourse that is to be expected under the regime of the U. L. N. will still further reduce distances and draw the nations still closer together. None the less immense differences in a great number of matters will continue to exist between the inhabitants of different continents, less in important things than in questions of mode of life, climate, character and the history of the people, which will make themselves unpleasantly felt and handicap a satisfactory collaboration. A wise and moderate decentralization that strictly observes the uniformity and joint action of the constitution may here do much to further the healthy development of the members and of the whole they compose.

§ 54. **Restoration Committee.** Parallel with its efforts on the ethical plane to unite the peoples in mutual labors, the U. L. N. must also do its utmost in the material sphere to remove the frightful devastations of the war as quickly and completely as circumstances allow and to bury them in oblivion. But seeing that any attempt to load the liability for war damages on one or the other party would be tantamount to the recognition of the responsibility for the world war, nothing remains but to initiate a joint action of all nations interested in the U. L. N. and the peace of the world. The method suggested by § 54 provides committees, headed by neutrals and including building and insurance experts to estimate the damage and apportion

the indemnities, and including financiers and manufacturers for obtaining the materials needed and for raising and administering the funds. The way in which war profiteers are used as a standard by which the shares of the states may be apportioned, and the suggestion thus given that the same source might yield a supplementary tax is more just than if millions of men, who were certainly not responsible for the war and have to suffer bitterly as it is, were to be burdened with the cost of restoration. But all those who, while the war forced others to render up their possessions, their health or their very lives, have «gained» that is earned anything at all should be considered war profiteers and taxed as such. On the other hand, as it would be impossible to make good all damages, it will be necessary to restrict oneself to those cases in which the sufferers prove incapable of building up their economic existence again with their own energy. Even then the problem will be difficult enough. It is evident that the states that have already expended funds on purposes covered by § 54 cannot be penalized for their providence. The regulation will therefore have to be given retrospective effect. Seeing that restoration can only be begun gradually, if for no other reason than that of lack of materials and hands, the raising of funds for this end may also be spread over a number of years. In view of the immense burdens laid on all peoples by the war it may be well to consider the advisability of a federal loan under joint guarantee of all states participating in the U. L. N. This would enable the burden of restoration, which is an important factor in the lives of coming generations, to be spread over a still longer period. In this sphere there is ample scope for exceptionally grateful work for a great circle of active humanitarians.

Investigation Committee.

In the original draft a paragraph was here inserted, aiming at ascertaining the causes and authors of the war in order to put the world's conscience at rest. In this case again it was to be a committee of neutrals, who were to be entrusted with the rights of an examining magistrate in all states, so that they would be able to undertake a thorough and conscientious examination of all facts and a consultation of all personalities affected. All who could contribute to the clearing up of this question were to place their data at the disposal of this committee. On the other hand it was demanded that no one should be permitted to intervene as long as the question was

undecided. All and every public discussion of «responsibility» was to be prohibited and punished until this committee should have completed its work and published its finding. By means of this unimpeachable process an impartial verdict, in entire accordance with the facts, was to have been formed and handed down to posterity, and at the same time the venom of mutual reproach was to have been kept away, at any rate for the difficult time of transition. From various quarters however there came powerful objections and it was feared that the existence of such a provision might keep many a nation from participating in the discussion on the Draft. The fact was insisted on that the crime of those who are to blame for the obstacles in the way of peace, because they were remiss or because they maliciously frustrated the possibility of coming to an understanding, is far more perilous to humanity than the wrong of those who brought about the war. It has been pointed out that the passing of a judgment would be without value as long as there was no possibility of insisting on its being recognized and executed. Further emphasis has been laid on the fact that only the leaders of the nations, and not the nations themselves, could be considered culpable, and it would be a cruel injustice to make millions of innocent human beings suffer, or to demand their humiliation and punishment for things over which they have no manner of influence. For these reasons the paragraph on the establishment of an investigation committee was omitted. In the meantime however, many voices have made themselves heard, and that in both war camps, which make a reconsideration of this proposal seem more advisable. It is said that sincere reconciliation is out of the question as long as we shrink from establishing the responsibility for the war in an unbiassed manner, while on the other side this judgment is passionately demanded on condition that the investigation is conducted in a thoroughly objective and unimpeachable way, so as to be able effectively to refute all unjustifiable attacks. We therefore feel obliged to raise the question of the advisability of a committee of investigation for further discussion. If unanimity can be obtained on all other important points the genesis of the U. L. N. will certainly not be prejudiced by difference of opinion on this point.

Federal Authorities

Everyone who has carefully examined these remarks and thus arrived at a clear conception of the proposed plan, will certainly desire to have many points different and not a few better, but he will hardly find anything that might be dispensed with except at the cost of narrowing or even imperilling the activity of the league. And that is what has to be obviated at any price. For if ambiguity should remain even on a few points, and so the anxiety arise that some nations might be overreached or shouldered into a corner, then the whole of the work has been in vain; it will be felt that the acceptance of such proposals is a leap in the dark and that it is better to perish with open eyes. Only when a reassuring and trustworthy relationship between the peoples is secured, will they be ready to rely on its protection and to dispense with the continuance of the sanguinary struggle. Therefore this fact must be insisted on again and again—that only a completed work, a system well weighed and thoroughly thought out in all its details, can form the practical basis for reconciliation; and that all discussions of partial, temporary or gradual solutions are just so much lost time and trouble. If this is admitted, the consequence must also be clear that for the mastery of the manifold and often most difficult tasks of the U. L. N. an adequate apparatus, carefully worked and strictly checked, is quite indispensable. It must be recognized that periodical conferences or committees with restricted tasks, international bureaus and the like, are totally inadequate for the maintenance of a permanent harmony amongst the nations. The Draft takes all this into consideration, but endeavours at the same time to make the machinery of the league as simple and lucid as in any way possible. With this aim in view, the entire legislative power, together with the supervision and in certain cases the highest judicial competency, is concentrated in one great central authority, the World Council, which, for its part, deposes the technical part of the work to expert ministries—the departments. By this means we should obtain the freest and smoothest course for the activities of the league, and in addition the most valuable result that the millions of federal citizens would rule themselves, taking their part in all decisions of the league and consequently feeling an interest in them. This, more than any provisions of the Constitution, would assure the worth and permanence of the league through the element of personal participation

in its creation and through the heightening of the sense of solidarity resulting therefrom. In the note appended to § 60 in the draft, and also in the explanatory remarks on §§ 10 and 51, attention has repeatedly been called to the importance of the suggestion that the World Council should be elected by means of direct original elections at which all enfranchised federal citizens would vote. The importance of this arrangement to the U. L. N. cannot be over-estimated. In no other way can the war-perils that arise from excessive national ambition be so effectively met than by constant, direct, personal intercourse of the best leaders of all movements that all nations have in common and that form an important counterpoise as against the endeavours that strive towards the emphasizing of the peculiarities of all peoples. This is the only possible way of nipping agitation and distrust in the bud and of forming a phalanx of all lovers of freedom and progress against reactionaries everywhere. Not even the best laws and institutions will prove capable of keeping the league alive if there is a lack of the spirit that is conscious every moment of the high value of international understanding, if there is a lack of the will to subordinate to the entirety of the league the pursuance of private interests. The spirit and will of internationality can only flourish when the nations enjoy a brisk exchange of these best forces and achievements, such as is brought about by the U. L. N. And this would not by any means signify a levelling of national character, or that all nations should merge and lose themselves in one universal people. For the U. L. N. is a mighty factor for the enrichment and refinement of all civilizations through its general tendency towards the suppression of all policy of might and the support it gives to the sovereignty of all nations, and more particularly by its regulation of special problems—e. g. that of nationality and that of the liberty of language. The very absence of the external menace that has hitherto forced small peoples to unite for mutual defence, and thus to fusion, will now foster an awakening and stirring of all nations possessed of cultural peculiarities and desirous of preserving them. Only the extravagances and audacities, the out-growths and eccentricities of the love for one's contry,—in one word nationalism—need fear extinction as a result of the collaboration in the World Council and in all institutions of which it is the head. All the more scope is left for the mutual interplay of national and international endeavours. While a continuance of the present system would make

the great nations still mightier and the small nations more and more insignificant until at last they would be annihilated, the U. L. N., thanks to its safeguarding of equal rights for all nations, can help the smaller and weaker peoples towards full scope of development and complete freedom. This silences all objectors who see the «triumph of the might-idea» and the ruin of all individuality in the union of the nations in a universal league, from which fate they feel compelled to warn us. It is surely not difficult to see that the U. L. N. must produce exactly the contrary result, and that great nations will have a very deep interest in seeing that it comes into existence, but small nations still more so.

Emphatic protest was raised against deducing any derogation or even slight on the governments of the member-states from the fact that they are excluded from the direction of the U. L. N. It must indeed be put to the credit of governments that they are solely concerned with the interests of their own nations, for that is precisely their office and their duty. But for the same reason it must be quite comprehensible that governments must be a hindrance and a disturbance in a union which can only flourish when its members consider themselves as belonging to the same family and in consequence treat one another fraternally. From its very aim and nature the U. L. N. can only further the interests of its members indirectly, by the round-about way of self-denial, mutual accommodation, while governments are always able to act directly, on the principle—more or less veiled—of *sacro egoismo*. These two lines are mutually exclusive, and therefore a clean and complete separation of these powers is the only sound

folio 96) that the taking over of the defence of the nations by the league is to be considered as a relief and simplification of the duties of the governments and not as a limitation of their privileges. Their value and usefulness will appear all the more effective to their subjects when they are enabled to concentrate all their means and energy to the sphere that is strictly their own—the cultural, economic and social advancement of their people.

and tenable solution. It has indeed been stated already (page § 55. **The World Council.** The limitations mentioned in the explanatory remark on § 51 must also be considered in this connection.

§ 56. **Delegates.** In § 60 the granting of the franchise for the World Council is made dependent on the proof of a minimum of

education. Objections have been raised, because in this way, those who do not possess this minimum would be punished for something for which they themselves were not to blame. It was therefore suggested to measure the share of delegates by the number of «educated» inhabitants, but to make no enactment in the Constitution as to the franchise so that the illiterate might vote without the influence of their country exceeding the proportion due to it by the laws of the league. Various attempts have been made to introduce a graduation in the estimate of the share of the nations in the management of the U. L. N., in accordance with the political significance, the size of the budget for cultural purposes, the density of the population, or on systems that combine these and other factors in certain proportions. All these suggestions appear to be either too complicated, or plutocratic, or in direct opposition to the essence of the league in its demand for equality of rights. The only natural and just basis for the apportioning of influence, both in the democratically organized member-state, and in the free democratic league, is the number of adult, non-criminal citizens, with the sole restriction of the degree of education such as may be attained by everyone without help from others. The education test prevents masses gaining influence in the league, on whom the league itself—seeing that they can neither read nor write—can have no influence, and who therefore cannot be educated in the spirit which is needed for its ordered development. Everything else is more or less arbitrary and questionable and is therefore to be disallowed.

§ 57. **System of Voting.** The incorporation of this proviso in the Constitution, to insist on the elections being equal, free und direct, on the proportional system, is to be recommended in order to have a handle in case of federal intervention (cf. § 83 6 g, Election Scrutiny Board). Also the scrutiny of election regulations as issued by order of member states offers protection against the violation of the equality of all citizens of the league.

§ 58. **Recounting.** This measure is intended to protect minorities against the machinations of any state governments opposed to them. The fixing of a time-limit is to prevent any ill-intentioned postponement of an election appeal. The participation of a considerable number of voters in such an appeal to the Federal Scrutiny Board is to limit the protests to really urgent cases.

§ 59. **Electoral Franchise.** That both sexes should be placed on an equal footing is simple justice. Women have fulfilled the duties

that have fallen to them just as faithfully as men, more especially during the war. Their claim to an equal share in the moulding of the future of mankind can no longer be refuted. More particularly in the U. L. N. their equality is needful, seeing that the chief work of the league, after the securing of peace, will consist in cultural and social efforts requiring to a very great extent the collaboration of women, whose influence as educators of the coming generation will prove of the highest value. The fact that it is sufficient to be a subject of any of the states united in the league in order to be entitled to the federal franchise, signifies the beginning of a unity of political rights within all the territory of the league, the extension of which must be reserved for a later period.

§ 60. **Education Test.** It is only necessary to add to the remarks already made on this subject, that the ability to read and write has generally been considered an adequate minimum. It has however been also asserted that this limit did not prove sufficient for the purpose in view. It is important for the U. L. N. to be able to have immediate intercourse with its citizens, without any mediators or representatives. This is made possible more especially by the measure provided by § 19, but only on the supposition that sufficient receptivity exists. The World Council, to whom the details are entrusted, will have to consider these needs and the conclusions that are to be drawn therefrom. It has also been suggested that the education test means an injustice for the poorer classes and is therefore anti-democratic in its effects. As, however, the nations in general, and also the various parties and groups of which they are composed, will be interested in increasing their influence in the World Council as much as possible, the effect of this proviso will be to cause such steps to be taken as may put within the reach of every citizen who is otherwise eligible, the attainment of this minimum of education. Thus it will actually amount to pressure being put on the eradication of illiteracy, and it would be difficult to deny that this will contribute greatly to the advancement of the democratic idea.

§ 61. **Eligibility for Election.** Here too the standard can only be fixed by such purely democratic and just considerations, especially in regard to women, as were indicated in the remarks on § 59.

§ 62. **The Legislative Period** has been fixed at five years because the census is taken every five years in normal times, so that the opportunity would be given for a revision of the register of voters and of the distribution of the delegates.

§ 63. **Presidency.** As presidents will possess purely business and representative functions the annual change will not occasion any disadvantages. Perhaps it will be necessary to grant the president a special contribution for the fulfilment of his official duties, so that financial considerations may not handicap the choice.

§ 64. **The Publicity** of the meetings of the council calls for no special justification.

§ 65. **Quorum.** The suggestion has been made, that, in order to prevent this important regulation giving rise to hindrances of the work of the federation, the World Council Delegates should receive a lump sum for the whole session instead of payment for presence at the sittings (§ 73), certain sums being deducted as fines for inexcused absences. It seems questionable, however, whether such a system is compatible with the dignity of the assembly. The responsibility towards the many hundred thousands of voters, to whom every delegate is accountable ought really to suffice as a guarantee of ample attendance at the sittings.

§ 66. **The Seat of the Authorities** has been discussed at sufficient length in the note on this paragraph in the Draft. These «notes» are of course not intended as integral parts of the Constitution, but merely serve for its elucidation.

§ 67. **Language for Transactions.** The carrying out of this regulation will also depend to a considerable degree on the fate of § 17. It has been suggested to make no decision at all on this point. It is to be assumed that every speaker will desire to be understood by the greatest possible number of delegates, so that without any compulsion and in their own interests they will make use of one of these three languages. This standpoint forgets however that parliamentary speeches are often not intended for the other delegates but for the press gallery. In such a numerous meeting composed of such varied elements, only the strictest discipline of speech can achieve attentive, dignified and successful transactions, and this consideration should remove all national compunction for those who have the worth and reputation of the World Council and the league at heart. The sooner the universal language becomes the sole and exclusive medium of the council, the simpler, quicker and better will be the work of the World Council, and the more adequately will it be able to fulfil its task for the well-being of the league and all its citizens.

§ 68. **Right of Motion.** Since decisions as to statutes require unanimity of the World Council (§ 4) a discussion of such matters can only have any sense when a considerable number of delegates have advocated them. As to whether it is practical to grant the right of introducing motions to every single delegate, opinions are divided. Perhaps, in consideration of the great number of delegates, the signatures of 10 or 20 delegates should be demanded. The methods of popular initiative and referendum would have to be dispensed with in view of the immense extent of the league and the resulting trouble and expense. It might, on the other hand, be advisable to embody a partial referendum in the statutes, in the sense that the voters of any electoral district, after a certain fixed number of them have petitioned the World Council, should be empowered to correct the attitude of their delegate by a poll, or else to pass a vote of censure or to demand resignation by way of electing a substitute.

§ 69. **Written Voting** is intended as a facility for obtaining the unanimity of the members as demanded by § 4. The statute seems necessary for the case of members, who are ready to accept a motion, and are prevented from so doing by sickness, etc.

§ 70. **Majority.** Since the absolute majority of all World Council delegates suffices to make transactions possible (§ 65) and the absolute majority of members present is sufficient to make decisions valid, it follows that $\frac{1}{4}$ of the total number of members may pass motions binding on all member states with the exception of free regulations and matters falling under § 4. Thus it is scarcely possible to assert that the working of the Council is too much restricted, the contrary seems rather the case. As however motions touching the execution of fundamental articles, which execution is left to the World Council, must always be published and substantiated in the federal newspaper beforehand, all citizens will have the opportunity of instructing their representatives in time as to their participation in the debate and the voting.

§ 71. **President's Right of Voting.** No comment is needed.

§ 72. **Convocation.** The «Committee of Elders» with purely administrative powers is intended to relieve the president of some of his work and responsibility, and to save the wearisome debates on order of business in full assembly. The obligation to convoke the World Council on demand ought perhaps to be provided with a time limit.

§ 73. **Remuneration.** Although the office of delegate must be considered as a post of honour, both justice and the necessity of choosing delegates solely on the basis of their suitability, without financial considerations of any kind, require that they should be granted an ample recompense for their services.

§ 74. **Secretarial Staff.** The employment of permanent and salaried officials is to be recommended, for, apart from their better routine, no delegate should be withdrawn from or hindered in the execution of the office to which his constituents have sent him. It must not be forgotten that many nations have few deputies or even a single one on the World Council. Further the formulation of enactments, noting of those intending to speak, keeping the list of speakers, etc., can be perfectly well undertaken by skilled and trained hands, similar to clerks of the courts of justice.

§ 75. **Business Order Committee.** This again is a purely business-like authority, though chosen from amongst the members, meeting periodically as soon as suggestions in regard to the order of business are received.

§ 76. **Committee of Superintendence.** An organ to facilitate the World Council's duties of surveillance. It will be composed of those members of the Council who possess some special experience or aptitude for one or the other of the departments. They will be given special authority to supervise the documents of the department in question, and the heads of departments will be regularly pledged to render information to the committees. The committees will also have the important office of disburdening the World Council by endeavouring to settle cases, which constitutionally might be brought before the World Council, through mediation and persuasion; by preparing the subject-matter for transactions; by obtaining needful information for the World Council, and by reporting on the working of decisions of the assembly. The committees will also have a certain right of supervision in regard to the business management of the departments, they will suggest changes of staff when such become advisable, but will not be able themselves to draw up decisions of a binding character.

§ 77. **Departments.** From many quarters the demand was heard for a «government» in the U. L. N., seeing that there would be too many heads in the World Council to work rapidly and form and execute urgent decisions with the necessary precision. Putting on one side the suggestion of a «State Council» or any other collabora-

tion of the governments of the member-states, a small board would have to be chosen from amongst the members of the World Council, for taking over the strict business of government, while the full assembly would then be solely occupied with legislation. Instead of this method the Draft provides for the settlement of government work by expert-ministries—the Departments, under the leadership of permanent and well-salaried professionals. And this above all for the very important reason which accords with the whole tendency of the Draft, to obviate as far as possible all national differences. Even if a «government» were to include representatives of all nations, yet the supreme leadership and responsibility in each branch could only be taken over by a single person. The result would be that the leading men of the league would all be pronounced supporters of a definite nationality or party. In every criticism of their measures this private factor would play a part, which again would lead to a refutation from quarters friendly to them, and thus that which the U. L. N. most emphatically strives to put an end to, would become the painful and permanently dangerous usage of its highest authority. If, however, the heads of departments are officials—and at first neutrals—whose management has nothing to fear from the favour of one party or the hatred of the other, and will therefore be expert and objective, so that, however violent criticism may be, it will never arouse national feelings and will thus be devoid of danger for the peace of the league. In addition there is the further advantage that anyone who regards a certain branch as his calling, his life-work, will naturally be able to render better service — other things being equal — than if the work were temporary and subsidiary. The expert-ministers, retaining their positions as long as they satisfy the World Council, will be more familiar with all the details and peculiarities of their Office than delegates of the council who may have a profession and a family in a far-distant country and who will therefore not desire to remain at the seat of their department longer than is absolutely necessary. It is certain that reliability and exactitude of the management of the league and consequently the satisfaction of its citizens, will be better secured by permanent ministers than by government men. It is worth calling to mind that in democratic countries (at any rate, in times of peace) no decision of weight is ever taken without the collaboration of parliament. Even with them the action of the government is constitutionally restricted to the admini-

stration of laws created by popular representatives, and to the supervision of such laws in practice. And the U. L. N., whose sole policy must consist in protecting its members from all danger at home or abroad that may menace their peace and the freedom of their development, most decidedly needs only administrative, supervising and judicial organs, for which carefully chosen, apt and well-trained experts will certainly be superior to any amateurs. Especially as the latter do not as a rule make up for their lack of knowledge and experience by excess of energy and temperament. For the eventuality of an attack threatening from without the league, the only case in which a previous discussion in the World Council might occasion a delay of decision that would be detrimental to the league, the military commanders possess the constitutional authority in advance (§ 13).

§ 78. **Federal Officials.** Special comment is not needed.

§ 79. **Multiplicity of Offices.** A prohibition the justice of which is beyond question.

§ 80. **Accountability.** This statute will have to define the sphere the scope and the responsibility of all federal authorities, in order to exclude as far as possible all friction, superfluous scribbling, and bureaucracy of every kind. It is to be hoped that the progressive men who will have to construct the league of nations will succeed in banishing «red-tape» from all the offices of the federation.

§ 81. **The Validity of Enactments** and orders of a purely business character, which are therefore issued by the departments without previous consultation of the council, might yet with advantage be made subject to the subsequent sanction of the World Council in order to eliminate all avoidable formalism, all fossilizing of the machinery of the league, and further to induce the delegates to identify themselves in practice with the measures of the federation.

§ 82. **Neutrality Regulation.** This will do good service in the period of transition. The admissibility of exceptions is meant to make it feasible for officials to be left in posts that the federation may have to fill up at a later date, if no objection is raised.

§ 83. **A Survey of the Departments and their Subdivisions.**

The Realization of the Plan

The Draft is merely intended to serve as material for a widespread, public, positive and fundamental discussion as to the best way of creating a system of international justice. Whatever faults may be found with it, the leading lines laid down by its statutes will need to be followed if the work of international conciliation is not to be handicapped or rendered impossible. There are four principles to be observed by all labour for a league of nations and for permanent peace, which principles the Draft endeavours to observe.

Equal rights for all peoples must be guaranteed up to the hilt. Every possibility of influence being violently exerted on a nation by any other nation must be put out of the question. All striving towards fame and influence, towards prevalence and leadership in the world must be concentrated on peaceful competition in all spheres of the mind and of civilization. Every effort to obtain superiority by physical or numerical means must be effectively neutralized. All might of single nations is to be replaced by Right which must raise the will and might of all peoples in their entirety to a World-law. The first and highest principle of all proposed agreements and institutions must be **Justice!**

So that all nations may put their trust in the absolutely reliable protection of Justice and be able to dispense with all self-defence, every people must of its own free will and conviction restrict its sovereignty as far as the needs of common order require. In the Draft, this restriction is accentuated for all future relations of the peoples, either by detailed prescriptions or in the form of suggestions, in order to have a regulated process of arbitration for all possible conflicts including those not explicitly provided for. But this restriction is itself limited to the external affairs of the nations. Their home-affairs however, the development of their national peculiarities, and the assertion of their national needs, character and independence — of the small nations as well — may find amplest scope within these limits. Thanks to the guarantees which Federal Justice, founded on the common authority of all nations, gives them, the common law assures to all peoples within the limits of the needs they share in common, complete political, economic, and cultural **Freedom.**

The demands for Justice and Freedom raised on all sides are concentrated in the Draft in the form of paragraphs to obviate misunderstanding and misinterpretation. Detail is death to

empty phrases, therefore in all important matters regulations are provided for the rights and duties of the nations, the scope of which may be surveyed, and which thus eliminate deception or self-deception. As the indispensable pre-requisite for the feasibility of any system of international justice we must consider supervision by unreserved **Truth** tolerating no halfness or inconsistency.

Justice, Freedom and Truth can never be maintained in the life of a community by rigid formulas and dead letters. To have worth and lasting force they must be willed and borne by the spirit of reciprocity. Therefore everything that is merely adapted to the private interests of individual peoples must be deprived of influence on the settlement of federal interests. The care and responsibility for the interests of the whole league is to be entrusted to minds, serving common ideals of culture, flourishing in all nations, and led by the consciousness of the solidarity of mankind beyond and above all frontiers. Therefore all proposals for the league of nations must be founded on the condition of the awakening and furthering of sincere broad-minded **Fraternity**.

Justice and Freedom, Truth and Fraternity embedded in the foundation of genuine international law, support the structure of civilization that is capable of sheltering the whole of humanity for a peaceable and smiling future. Everyone who contemplates this image of the future symbiosis of the peoples will come to the conviction that the justifiable interests of all nations, without distinction, are equally safe-guarded. The very patriots who honestly and eagerly strive for the sole honour and fame, freedom and well-being of their country, if they are accessible to dispassionate matter-of fact reflection, must recognize that their aims are to be realized in no other way, least of all by a continuance of the war, to such a reliable and complete degree as by the realization of the Draft. The serious and thorough examination of these suggestions will effect a clean partition between those who have only been in favour of physical violence because they knew of no other means hitherto for safe-guarding their motherland, and those others who refuse all efforts towards reconciliation because their own low and narrow-minded interests are not to be gratified without violence and oppression. And this division will signify the removal of one of the greatest obstacles in the way of the realization of the league of nations. The numbers of the friends of reconciliation will be rapidly increased by those as well who have hitherto refused their collaboration, being dis-

couraged by doubts as to the final victory of reason. The reasonable and peace-loving of all nations will unite in one force against all reaction and prejudice, against inertia, narrow-mindedness and infamy. On the basis of such a sharply defined and expertly considered plan all the supporters of a league of nations will lay down the agreements for the fruitful collaboration of all peoples. Then the standards of Justice so found, and recognized by all participants as just, cannot and will not fail to be applied to the present hostilities. That will mean the end of war for all time. The creation of international Justice is thus equivalent to the attainment of permanent peace. Everyone who works towards an understanding of the peoples on the ordering of their future community, helps to bring war to an end. That which diplomats have never succeeded in doing must be accomplished by the peoples themselves: an agreement which is rightly called Peace. The proposals for the organization of the U. L. N. which were opened for discussion in connection with the Draft have, in the meantime, induced the «Swiss Committee for the Preparation of the Union of Nations» to extend its activity in two directions. It has been decided to enter into direct communication with the societies in favour of a league of nations already existing in many countries, and further, with the aid of those sharing the idea, to stimulate the formation of such societies in countries where such do not yet exist. Moreover, the message of the President of the Swiss Federation (6th June, 1918), the most striking sentence in which serves as motto to this pamphlet, has led to the formation of a «Swiss League of nations society». Under the leadership of those circles that are responsible for the future and reputation of our country, all Swiss men and women are to be given materials and opportunity to devote themselves to the elucidation and dissemination of the world-league idea. Thus, on the one hand a direct attempt is to be made to draw together the experts of all countries for a settlement of the questions connected with the creation of the league of nations. And, on the other hand, the strength and unity of the entire Swiss people is to bring about the marvel of helping peace to her victory over all blind passion and desperate raving. The mighty feelings of sympathy which unite the inhabitants of the various districts of our country with their race-relatives beyond the frontiers, are to serve in facilitating our task and hastening our success. When we ourselves have come to an under-

standing as to a uniform basis for the erection of the league of nations, and are agreed that by its acceptance the aims announced by all belligerents would be attained, then we shall soon be able to obtain for our friends and the whole of humanity the peace that is so fervently desired. Our comprehension of the peculiarities and needs of our neighbours, our sincere and deep sympathy for their fate are recognized by all parties. If thousands of us recommend the same plan at one and the same time, if we unitedly and all together assert that after a conscientious examination of our plan we are convinced that the realization of it would guarantee for all nations a peaceable and prosperous future and for the whole of humanity an advance towards a higher and better civilization, the nations will most certainly be induced to devote careful attention to the suggestion.

But when we gain the conviction that our nation has never yet had an opportunity of proving her international calling for such a high cause, the attainment of universal peace, when we become thus conscious of this most important moment of our history, we must at the same time feel our terrible responsibility, seeing that the fate of so many millions is dependent on the hastening of our task! For the sake of all the needy and suffering around us, whose agony and distress we may assuage, we must bend all our energies and selflessly devote all our means to the high work of peace-making. All struggles within our own land must cease in face of such an onerous and urgent task which is common to all of us. All our differences must pale before the one fervent longing to help in annihilating war by understanding, by the league of nations!



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